

TOWN PLANNING BOARD

**Minutes of 475th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 19.10.2012**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Dr. C.P. Lau

Ms. Anita W.T. Ma

Dr. W.K. Yau

Professor K.C. Chau

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. Janice W.M. Lai

Ms. Christina M. Lee

Mr. H.F. Leung

Chief Traffic Engineer/New Territories West,
Transport Department
Mr. W.C. Luk

Chief Engineer (Works), Home Affairs Department
Mr. Frankie W.P. Chou

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. H.M. Wong

Assistant Director/New Territories,
Lands Department
Ms. Anita K.F. Lam

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Mr. Rock C.N. Chen

Dr. W.K. Lo

In Attendance

Assistant Director of Planning/Board
Ms. Christine K.C. Tse

Chief Town Planner/Town Planning Board
Miss Chu Hing Yin

Town Planner/Town Planning Board
Ms. Cindy K.F. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 474th RNTPC Meeting held on 5.10.2012

[Open Meeting]

1. The draft minutes of the 474th RNTPC meeting held on 5.10.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

Amendment to Confirmed Minutes of 472nd RNTPC Meeting held on 7.9.2012

2. The Secretary reported that an applicant wrote to the Secretariat on 3.10.2012 stating that his statement made at the meeting held on 7.9.2012 concerning the section 12A Application No. Y/NE-TK/11 was not correctly recorded in paragraph 26(f) of the minutes of the meeting. It was proposed that the confirmed minutes be amended to read “he had protected the trees in the application site. He had sought help from the Tree Unit of Lands Department to cut down the mothy and dangerous trees nearby. Besides, he had refused the request of the nearby residents to cut down trees blocking their views, thus causing discontent of those residents. The allegation by nearby residents that he had fell many trees in the application site was unfounded.” The proposed amendments were tabled at the meeting for Members’ consideration. Members generally agreed to the proposed amendments to the minutes. The amendments would be recorded in the form of an addendum to the confirmed minutes and that the applicant would be informed of the amendments accordingly.

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-KTS/4 Application for Amendment to the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/12 from “Government, Institution or Community” to “Residential (Group C) 2”, Lot 1145 RP in D.D. 92, Hang Tau Road, Kwu Tung South, Sheung Shui
(RNTPC Paper No. Y/NE-KTS/4B)

Presentation and Question Sessions

3. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point :

Ms. Jacinta Woo	District Planning Officer/Shu Tin, Tai Po and North (DPO/STN)
Ms. Maggie Chin	Senior Town Planner/Shu Tin, Tai Po and North (STP/STN)

4. The following applicant’s representatives were also invited to the meeting at this point :

Mr. Patrick Cheung	}
Mr. Kim Chan	} applicant’s representatives
Ms. Stephenie Lee	}
Mr. Alex Wong	}

5. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Ms. Maggie Chin to brief Members on the background of the application. Ms. Chin did so as detailed in the Paper and made the following main points with the aid of a Powerpoint:

The Background

- (a) the applicant submitted the application to rezone the application site (about 1,340 m²) from “Government, Institution or Community” (“G/IC”) to “Residential (Group C)2” (“R(C)2”) on the approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/12;
- (b) the application site was located in the midst of a “G/IC” zone at Hang Tau Road. The application site was previously designated as “Unspecified Use” (“U”) on the draft Kwu Tung South Development Permission Area (DPA) Plan No. DPA/NE-KTS/1 gazetted on 12.7.1991. The “G/IC” zone was first designated on the draft Kwu Tung South OZP No. S/NE-KTS/1 gazetted on 3.6.1994. The zoning and boundary for this “G/IC” zone had remained unchanged since then;

The Proposal

- (c) the proposed residential development comprised three 2-storey detached houses with a total GFA of about 536 m², plot ratio of 0.4, site coverage of 20% and building height of 7.8m;
- (d) according to the applicant’s submission, the uncovered area of the application site would be used for private garden and communal landscaping area. The proposed development would be fenced off by a wall of 2.5m in height along the application site boundary. The application site was accessible via a 6m wide ingress/egress directly abutting Hang Tau Road;
- (e) the justifications put forth by the applicant in support of the application were summarised in paragraph 2 of the Paper and highlighted below:
 - (i) the proposed development scheme was logical, desirable and suitable at this specific locality. The proposed development was compatible with its surrounding developments;
 - (ii) the proposed development would optimize the use of land resources without adverse impact on the local road system. The application was in

line with the Government's policy directive on land supply for private housing;

- (iii) the proposed development would not have any unacceptable visual impact on the surrounding areas. The proposed houses would fully comply with the vehicular emission buffer requirement in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) and had no adverse environmental impact;
 - (iv) the Traffic Impact Assessment (TIA), the Drainage Impact Assessment (DIA) and Sewerage Impact Assessment (SIA) submitted by the applicant had demonstrated that the proposed development would not cause any adverse traffic, drainage and sewerage impacts on the surrounding areas;
 - (v) the proposed development complied with the planning criteria specified in the relevant Town Planning Board Guidelines. Approval of the application would not affect the provision of G/IC facilities to cater for the planned population in Kwu Tung South area.
- (f) the departmental comments on the application were detailed in paragraph 9 of the Paper;

[Mr. Ivan Fu and Anita Lam arrived to join the meeting at this point.]

Local Views and Public Comments

- (g) the District Officer/North, Home Affairs Department (DO/N, HAD) advised that the person-in-charge of Goodwood Park Customer Service Centre, Sino Estates Management Ltd. supported the application as the application site for residential use was conducive to the present environment which was mainly residential in nature. The Residents Representative (RR) of Kwu Tung (South), Indigenous Inhabitants Representatives (IIRs) of Hang Tau, RR of Hang Tau, Chairman for the Incorporated Owners of Sheung Shui Golf View Garden and North District Council (NDC) member had raised objection to the application on the following grounds:

- (i) the site should be reserved for community facilities for local villagers. There was a shortage of land for G/IC facilities;
 - (ii) the proposed residential development would lead to traffic congestion and environmental problem;
 - (iii) the application site was located in the vicinity of Sheung Yue River and the discharge of sewage would directly pollute the natural environment and affect the ecology and greening environment of the local village;
 - (iv) the proposed building height was incompatible with the single-storey structures in the vicinity. Besides, the application site would be fenced off by a boundary wall. These would have adverse impacts on the rural environment; and
 - (v) there were graves of indigenous inhabitants at the hill slopes in the vicinity of the application site and Hang Tau Road was important to the fung shui of indigenous inhabitants. The proposed development would affect the fung shui of the village.
- (h) during the first weeks of the statutory publication period, a total of 14 public comments were received. One public comment was received from Designing Hong Kong Limited objecting to the application mainly on the grounds that there was sufficient residential land in the district; the proposed rezoning would reduce the overall provision of G/IC facilities in the area and might set a bad precedent for similar applications. One public comment from a NDC member had reservation on the application and he hoped that the Board would seek comments from the nearby villagers. The remaining 12 commenters had no objection to / support the application mainly for the following reasons:
- (i) the application site served by narrow local road was not suitable for

community facilities which would generate huge traffic and pedestrian flow and cause disturbance to local residents;

- (ii) the loss of the application site which was zoned “G/IC” would not adversely affect the provision of G/IC facilities to serve the planned population of Kwu Tung South as the site was in remote and isolated location; and
- (iii) the proposed development was compatible with surrounding rural tranquil environment and it would be a more acceptable use as compared with the originally planned public facilities.

Planning Department’s views

- (i) PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper, which were summarized as follows:

Land Use Review of the Whole “G/IC” zone at Hang Tau Road

- (i) the northern portion of the “G/IC” zone was currently occupied by a holiday camp, while the portion at the southern-end was used for a drug treatment rehabilitation centre. The remaining area of the “G/IC” zone (about 11,266m²) comprised mainly government land (7,949m² (70.6%)) currently occupied by low-rise domestic structures with most of them under licenses, and a few private lots (3,317m² (29.4%)) including the application site, and another domestic structure known as 慶豐園 to the south. A range of G/IC facilities had been provided in the Kwu Tung South area serving the needs of the local community. In accordance with the HKPSG, there was a need to provide an addition of 19 classrooms of primary school and two classrooms for kindergarten/nursery to serve the planned population in Kwu Tung South. However, the Secretary for Education (SED) had indicated no intention to use the site for school development due to its remote location. Other government departments also indicated no intention to reserve the zone for provision of G/IC facilities;

- (ii) in view of the existing community and social welfare facilities at the northern and southern portion of the “G/IC” zone, it was considered that the current “G/IC” zoning for these two portions of land was appropriate and should be retained. Besides, a strip of land along the western boundary of the “G/IC” site, which covered mainly Hang Tau Road and the adjoining footpath, was suggested to be rezoned from “G/IC” to an area shown as ‘Road’ so as to reflect the actual alignment of the road. It was considered that there was potential to rezone the central portion of the “G/IC” zone which had an area of about 0.6 ha for residential use, taking into account the land uses and characters of the surrounding areas;
- (iii) to respect the rural character of the area and to be compatible with the development intensity of other residential developments in the vicinity, it was considered appropriate to rezone the central portion of this “G/IC” zone for “R(C)2” development subject to a maximum PR of 0.4, SC of 20% and BH of 3 storeys including car park. Various sensitivity tests had confirmed that the proposed rezoning was technically feasible. It was anticipated that the proposed low-rise and low-density residential development would not cause significant adverse traffic, environmental, drainage, sewerage and visual impacts on the surrounding area. Relevant government departments had no adverse comment on or objection to the proposed rezoning;

Subject Rezoning Application

Land Use Compatibility

- (iv) the proposed residential development at the application site was considered not incompatible with the land uses in the surrounding areas which were predominantly characterized by low-rise and low-density residential developments and a few G/IC facilities;

Development Intensities

- (v) the development intensities of the proposed “R(C)2” zone were not excessive and were comparable to the low-rise and low-density residential developments in the surrounding areas. Besides, the

applicant had submitted various technical assessments to demonstrate that the proposed residential development was technically feasible and sustainable. Relevant government departments consulted had no adverse comment on the subject rezoning application;

Need for “G/IC” Site

- (vi) given that the site was under private ownership, the prospect of using the application site for G/IC uses was rather slim. There was currently no designated G/IC use for the site and relevant government bureau and departments had indicated no intention to use the application site for their respective G/IC uses;

Local Views and Public Comments

- (vii) regarding objection against the application on ecological, traffic, sewerage, environmental grounds and other issues including land use compatibility, provision of G/IC facilities, fung shui and setting of undesirable precedent, the applicant had submitted technical assessments, to demonstrate that the proposed residential development would not have adverse traffic, drainage and sewerage impacts on the surroundings. Regarding the concern on land use compatibility, the proposed residential development was not incompatible with the land uses in the surrounding areas. Besides, the concern on ‘fung shui’ was not a material planning consideration. Regarding the concern on the provision of G/IC facilities, the application site was not designated for any G/IC uses and concerned departments had no intention to use the site for G/IC uses under their respective jurisdictions. Moreover, there were two other undesignated G/IC sites in the vicinity which could be reserved for G/IC uses to meet the long-term demand; and

Conclusion

- (viii) in view of the above, it was considered appropriate to rezone the central portion of the ‘G/IC’ zone, including the application site, from “G/IC” to “R(C)2” with a maximum plot ratio of 0.4, a maximum site coverage of 20% and a maximum building height of 3 storeys including car park for

low-rise and low-density residential development. It was also considered appropriate to amend the stretch of land along the western boundary of the “G/IC” zone to ‘Road’ to reflect the actual alignment of the Hang Tau Road.

6. The Chairman then invited the applicant’s representatives to elaborate on the application. Mr. Kim Chan made the following points:

- (a) the OZP was a broad-brush plan to show different land uses to meet the demand of the society. As such, there was a need to review the land uses on the OZP from time to time and amendments should be made, if necessary, to meet the changing demand. The subject rezoning application would help optimize the use of land;
- (b) the “G/IC” zone where the application site was located was designated on the OZP since 1994. Up till now, apart from the northern portion occupied by a holiday camp and southern portion occupied by a drug rehabilitation centre, the central portion of the “G/IC” zone had not been developed for G/IC uses. This could be due to a number of reasons:
 - (i) about 2920m² (49.4%) of the central portion of the “G/IC” zone was private land;
 - (ii) remaining government land was occupied by residential dwellings;
 - (iii) the area was remote in location and the population was scattered;
 - (iv) should the central portion of the “G/IC” zone be developed for G/IC use, Hang Tau Road, which was a rural access (about 10.3m in width) had to be widened. However, there was limited scope for widening of the road as it would affect a lots of local residents;
 - (v) resumption of private land for a small-scale G/IC use was not cost-effective and was not in line with public interest.

- (c) as indicated in the Appendix IV of the Paper, there was a need to provide an addition of 19 classrooms of primary school and two classrooms for kindergarten/nursery to serve the planned population (about 18 420 persons) in Kwu Tung South according to the HKPSG. However, SED had indicated no objection to the proposed rezoning of the application site together with the remaining “G/IC” zone to “R(C)” zone. Other government departments including the Leisure, Cultural and Services Department, Food and Environmental Hygiene Department, Social Welfare Department and Government Property Agency had no objection to the proposed land use amendment;
- (d) according to the paragraph 11.9 on page 14 of the Paper, the Government had reserved two undesignated G/IC sites which were larger and more accessible to meet the long-term demand; and
- (e) in sum, the subject rezoning application from “G/IC” to “R(C)2” which was supported by technical assessments was appropriate from the landuse planning point of view.

7. In reply to a Member’s query, Ms. Jacinta Woo said that in considering the subject rezoning application, PlanD had undertaken a review of the land uses of the whole “G/IC” zone at Hang Tau Road and considered that opportunities could be taken to rezone the central portion of the “G/IC” zone to “R(C)2”. After the area had been rezoned to “R(C)2” on the OZP, the landowners of the sites within the “R(C)2” zone could develop their land for residential development without the need to obtain planning permission from the Board.

8. The Chairman asked whether the need to provide an addition of 19 classrooms of the primary school and two classrooms for kindergarten/nursery to serve the area had taken into account the need to cater for the demand of cross-boundary students. In response to the Chairman’s query, Ms. Jacinta Woo said that that the demand of school places was provided by SED based on population forecast and the latest situation including the demand of cross-boundary students.

9. A Member noted that excluding the two private lots in the central portion of the “G/IC” zone, the remaining area was rather fragmented. This Member doubted if the fragmented area could be used for residential development. In response, Ms. Jacinta Woo said that apart from the subject site and a site to the south of the application site currently occupied by a domestic structure known as 慶豐園, the remaining area in the central portion of the “G/IC” zone was government land currently occupied by some temporary domestic structures. The government land could be developed for residential purpose and its implementation would be considered by relevant government departments at a later stage.

10. As the applicant’s representatives had no further points to raise and there were no further questions from Members, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee’s decision in due course. The Chairman thanked the applicant’s representatives and PlanD’s representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

11. In response to the Chairman’s query, Ms. Anita Lam advised that as it might not be possible for the Government to resume private land for sale under the prevailing government policy. In considering whether government land was suitable for sale, the Government would also have to consider the adequacy of infrastructure, the clearance of structures, and the need for re-housing involved, etc. Ms. Anita Lam also said that the developer could apply for a land exchange to include part of the adjacent government land for residential development but this would need to be considered on its own merits. Whether the government land would be capable of separate alienation would be one of the relevant factors to be taken into account.

12. The Secretary said that the strip of government land to the north of the application site was used as an access for the developments in the adjacent “Recreation” zone and the remaining government land would be small in size. The Government might consider granting the land to the neighboring residential development by land exchange. Ms. Anita Lam advised that whether the area between the application site and the other

private lot to the south would be cleared for residential development would need to be carefully considered by LandsD.

13. After further deliberation, the Committee decided to agree to the subject application, the proposed amendments to the Outline Zoning Plan would be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance.

Sai Kung and Islands District

[Mrs. Margaret W.F. Lam and Ms. Lisa L.S. Cheng, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting]

A/SK-HC/187 Proposed House (Ancillary Road) in “Green Belt” zone, Lots 877 (Part), 878 (Part), 879 RP (Part), 887 (Part) and 1939 RP (Part) in D.D. 244 and adjoining Government Land, Nam Pin Wai, Sai Kung
(RNTPC Paper No. A/SK-HC/187E)

14. The Secretary reported that the subject deferment was the sixth deferment. On 20.8.2012, 6.9.2012 and 25.9.2012, the applicant submitted further information to provide responses to departmental comments and clarification of different access road options previously explored by the applicant. The information was circulated to concerned departments for comments. As the Planning Department required more time to assess the feasibility and viability of different access road options in consultation with departments concerned including the Lands Department and Transport Department, the Planning Department requested that the application be deferred for two months pending further consultation with departments and their assessments.

15. After further deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee agreed that the application should be submitted for its consideration in two month's time pending further consultation with departments and their assessments.

Agenda Item 5

Section 16 Application

[Open Meeting]

A/SK-HC/219 Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Lot 1945 S.E in D.D. 244, Mok Tse Che, Sai Kung (RNTPC Paper No. A/SK-HC/219)

16. The Secretary reported that on 26.9.2012, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information including responses to departmental comments on the subject application.

17. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 6

Section 16 Application

[Open Meeting]

A/SK-HC/220 Proposed House (New Territories Exempted House – Small House) in
“Green Belt” zone, Lot 1945 S.F in D.D. 244, Mok Tse Che, Sai Kung
(RNTPC Paper No. A/SK-HC/220)

18. The Secretary reported that on 26.9.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information including responses to departmental comments on the subject application.

19. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 7

Section 16 Application

[Open Meeting]

A/SK-HC/221 Proposed House (New Territories Exempted House – Small House) in
“Green Belt” zone, Lot 1945 S.G in D.D. 244 and Adjoining
Government Land, Mok Tse Che, Sai Kung
(RNTPC Paper No. A/SK-HC/221)

20. The Secretary said that a replacement of page 1 of the Paper to revise the description of the application site to include the adjoining government land had been distributed to Members for information.

21. The Secretary reported that on 26.9.2012, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information including responses to departmental comments on the subject application.

22. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/127 Proposed Rain Shelter in "Coastal Protection Area" zone, Government
Land in D.D.326, Shui Hau, Lantau Island
(RNTPC Paper No. A/SLC/127)

23. The Secretary reported that the application was submitted by the Home Affairs Department. Mr. Frankie Chou, a representative of Home Affairs Department, had declared an interest in this item. The Committee agreed that Mr. Chou should leave the meeting temporarily during the discussion of and determination on this application.

[Mr. Frankie Chou left the meeting temporarily at this point.]

Presentation and Question Sessions

24. Mrs. Margaret W.F. Lam, STP/SKIs, presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed rain shelter;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 8 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer /Islands; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper.

25. Members had no question on the application.

Deliberation Session

26. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.10.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed.

27. The Committee also agreed to advise the applicant of the following :

- (a) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should:
 - (i) take all protective measures to preserve existing trees in the vicinity during the construction of the rain shelter; and

- (ii) ensure that eventual proposal would cater for the needs of disabled users.

[Mr. Frankie Chou returned to join the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/128 Proposed Public Utility Installation (Mobile Communication Radio Base Station, Antenna and Associated Facilities) in “Coastal Protection Area” zone, Upper Cheung Sha Beach Changing Room, Lantau Island (RNTPC Paper No. A/SLC/128)

Presentation and Question Sessions

28. Mrs. Margaret W.F. Lam, STP/SKIs, presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (mobile communication radio base station, antenna and associated facilities);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Director-General of the Office of the Communications Authority supported the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/Islands; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the

Paper.

29. Members had no question on the application.

Deliberation Session

30. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.10.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the submission of the design and colour scheme of the proposed development including the proposed measures to mitigate the visual impact on the surrounding areas to the satisfaction of the Director of Planning or of the TPB.

31. The Committee also agreed to advise the applicant of the following :

- (a) to note the comments of Director of Health that the project proponent should ensure that the installation complied with the relevant International Commission on Non-Ionising Radiation Protection guidelines or other established international standards; and to have effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should ensure that the colour scheme of the proposed telecommunication installation, including 5 nos. of outdoor antennae and associated facilities, would match with that of the existing changing room and the surrounding environment; and
- (c) to note the comments of the Director of Architectural Services regarding details of structural and maintenance of the proposed development as

- (a) background to the application;
- (b) the proposed information technology and telecommunications industries (data centre);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, 368 comments were received. These comments comprised two supporting comments, 26 objecting comments (with 8 standard submissions), 340 comments with suggestions and requests (with 334 standard submissions). The major views on the application were summarised below:

[Dr. Wilton Fok arrived to join the meeting at this point.]

Supporting comments

- (i) the two supporting public comments stated that the proposed data centre would make TKO an important town of media and high technology and strengthen Hong Kong's position as a communications centre;

Objecting comments and suggestions

- (ii) the building height of the proposed development should be restricted to less than 30m. There should be landscape treatment with greening of roof and interior walls with plants to reduce heat from the proposed development. Public access to the hills at the back should be provided;
- (iii) the proposed data centre would had high energy consumption, high level of radiation, light, heat, radio wave, noise pollution and adverse air ventilation impact and was not compatible with the

adjoining residential developments;

- (iv) the site should be reserved for facilities much needed by the local residents such as commercial and recreational uses, eating places/cooked food centre and other GIC uses;
 - (v) the Government should not sell land at a low price for data centre use which was a low value-added use and did not generate much employment opportunities for locals; and
 - (vi) a Sai Kung District Councillor suggested and requested for the provision of various community facilities which were outside the application site.
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. The two public comments in support of the proposed development were noted. The detailed responses to the other public comments were summarized below:

Height and Design of Data Centre

- (i) due to the operational needs, security concern and technical requirements of the data centre, the proposed reduction in building height, increase in site coverage and provision of public access through the site might not be practicable;

Environmental Impacts and Possible Health Risks

- (ii) relevant environmental assessments had confirmed that the data centre use would not generate any significant adverse environmental impact. Approval condition on the submission of revised environmental assessment and implementation of the mitigation measures was recommended;

[Dr. C. P. Lau left the meeting at this point.]

- (iii) regarding the concern on heat and radiation that might be generated from the proposed data centre, the Government Chief Information Officer (GCIO) confirmed that data centres would not generate high energy radiation or excessive amount of heat and should not affect the health of nearby residents. The Department of Health (D of H) also pointed out that with the compliance of relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines; exposure to radiofrequency electromagnetic fields (RF EMF), such as those generated by telecommunications facilities would not pose any significant adverse effects to workers and the public. Telecommunications facilities would not pose any significant adverse effects to workers and the public. Other relevant government departments had no adverse comments on the application;

Social and Economic Concerns

- (iv) according to GCIO, data centre developments, other than providing employment, were essential infrastructure to support pillar economic sectors important to the economy of Hong Kong. The site would be disposed of by open bidding should the application be approved;

Reserved Sites for Uses to Serve the Local Residents and the Community

- (v) according to the approved s.16A application No. A/TKO/86-3 for proposed comprehensive commercial and residential development at LOHAS Park, adequate open space, commercial centre with retailing facilities, schools and GIC facilities including an IRC would be provided within the development in phases to serve the development and its adjoining areas. Sites had also been reserved in various areas in TKO for GIC facilities to meet the HKPSG requirements; and

Other Comments

- (vi) the suggestions and requests for the provision of various facilities outside the site were not relevant to the current application.

35. A Member asked whether the proposed data centre development could be accommodated in the Tseung Kwan O Industrial Estate. Ms. Lisa Cheng advised that there were data centres established within the Industrial Estate. However, there was a need to provide more land to meet the market demand.

36. In response to the query of the Chairman, Ms. Lisa Cheng said that the Government had not decided on whether the site would be disposed of by auction or tendering. Noting that there were public comments requesting for provision of the public access to the hills at the back, the Chairman referred to Plan A-2 of the Paper and said that there was an existing access to the north of the site which could provide a convenient access to the hill for the nearby residents.

[Dr. Wilton W.T. Fok arrived to join the meeting]

37. Noting that there were public comments on the possible health problem caused by radiation from the proposed data centre development, a Member asked whether it was sufficient to impose an advisory clause on the compliance of relevant ICNIRP guidelines. Ms. Lisa Cheng replied that as stated in paragraph 9.1.1 of the Paper, the GCIO advised that the data centre would not generate high energy radiation and would not affect the health of nearby residents. The D of Health advised that with the compliance of the relevant ICNIRP guidelines, telecommunications facilities would not pose any significant adverse effects to the workers and the public. In view of that, it was considered sufficient to impose an advisory clause.

38. A Member asked whether consideration had been given to incorporate the data centre in a cavern at the hills at the back of the site. Ms. Lisa Cheng advised that the hilly area to the east was the restored landfill area which would not be used for cavern development. Ms. Cheng said that a site selection exercise had been conducted for the data centre use and the application site, which was located in an area where power supply and connection to high-bandwidth telecommunications networks were available, was considered a suitable site. As the proposed data centre would be operated within an enclosed environment, it would not have adverse environmental impacts including light, air and noise pollution on the surrounding areas.

39. In response to a Member's query, Ms. Lisa Cheng said that the data centre would be equipped with computer systems and telecommunications equipment which would not generate high energy radiation and would not affect the health of nearby residents.

40. In response to a Member's query, Ms. Lisa Cheng advised that the building height restriction for the subject "G/IC (9)" zone was 60mPD.

Deliberation Session

41. The Chairman said that the data centre was an essential infrastructure to sustain Hong Kong's long-term economic growth and was in line with the planning intention of the "G/IC (9)" zone. They would not create significant adverse environmental impact on the surrounding area. The above views were shared by other Members.

42. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.10.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a revised environmental assessment report and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection (DEP) or of the TPB;
- (c) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services (D of FS) or of the TPB;
- (d) the detailed design and provision of vehicular access arrangement to the application site and internal road to the satisfaction of the Commissioner

for Transport (C for T) or of the TPB; and

- (e) the design and provision of vehicle parking spaces and loading and unloading facilities to the satisfaction of C for T or of the TPB.

43. The Committee also agreed to advise the applicant of the following :

- (a) to note the comments of DEP that the revised environmental assessment report to be submitted should state clearly whether the proposed mitigation measures as contained in the planning application were still valid for the final adopted development scheme and whether revised or additional mitigation measures were required. The future project proponent was also required to comply with and implement all the environmental design and mitigation measures in full to DEP/the TPB's satisfaction;
- (b) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department (BD) that the granting of gross floor area (GFA) concessions for green/amenity features, non-mandatory/non-essential plant rooms, and disregarding carparking spaces from GFA calculation, etc, was subject to the requirements and acceptance criteria as stipulated in PNAP APP-2, APP-151 and the Sustainable Building Design (SBD) requirements under PNAP APP-152 and justifications for the excessive storey height of various floors of the proposed data centre were required. In view of the limited information provided in the planning statement, detailed comments on the proposal would only be given during building plans submission stage;
- (c) to note the comments of the D of FS that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and the arrangement of emergency vehicular access should comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which was administered by the BD;
- (d) to note the comments of the Chief Engineer/Development (2), Water

Supplies Department (WSD) that should there be any necessary diversion of existing water mains affected by the development, the cost should be borne by the development project. For provision of fresh water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (e) to note the comments of the Chief Architect/Advisory & Statutory Compliance, Architectural Services Department that the opportunity to step up measures to improve the visual relationship with the environment should be further explored;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that details of the proposed vertical greening on building façade and green roof should be provided under the approval condition for landscape proposal;
- (g) to note the comments of the Director of Health that the installation of telecommunications facilities should comply with the relevant International Commission on Non-Ionising Radiation Protection guidelines or other established international standards. World Health Organization also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities;
- (h) to note the comments of the Director of Electrical and Mechanical Services that there was a proposed underground town gas transmission pipeline running along Wan Po Road, i.e. western boundary of the site. Liaison/coordination with the Hong Kong and China Gas Company Limited should be maintained in respect of the exact location of existing or planned gas pipes routes/gas installations in the vicinity of the proposed

work area and the minimum set back distance away from the pipelines during the design and construction stages of development. The requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes" should also be noted;

- (i) the approval of the application did not imply that the proposed building design elements to fulfil the Sustainable Building Design Guidelines, the proposed bonus plot ratio and gross floor area concession for the proposed development would be approved/granted by the Building Authority (BA). The applicant should approach the BD direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the BA and major changes to the current scheme were required, a fresh planning application to the Board might be required; and
- (j) the approval of the application did not imply that necessary approvals would be given by any government department. The applicant should approach the relevant government departments direct for any necessary approvals.

[Ms. Anita Lam returned to the meeting at this point.]

[The Chairman thanked Mrs. Margaret W.F. Lam and Ms. Lisa L.S. Cheng, STPs/SKIs, for their attendance to answer Members' enquires. Mrs. Lam and Ms. Cheng left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 11

Section 16 Application

[Open Meeting]

A/DPA/NE-TKP/21 Proposed 21 Houses (New Territories Exempted Houses – Small Houses) and Utility Installation for Private Project (Sewage Treatment Plant) in “Unspecified Use” zone, Various Lots in D.D. 293 and adjoining Government Land, To Kwa Peng, Sai Kung North
(RNTPC Paper No. A/DPA/NE-TKP/21)

44. The Secretary reported that on 11.10.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments raised by relevant government departments.

45. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 12

Section 16 Application

[Open Meeting]

A/NE-FTA/115 Temporary Tyre Repair Workshop for a Period of 3 Years in
“Agriculture” zone, Lot 102 S.A (Part) in D.D. 52 and adjoining
Government Land, Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/115A)

46. The Secretary reported that on 6.10.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant

to prepare further information to address the concerns of various departments, including the Transport Department, Lands Department, Water Supplies Department and Chief Town Planner/Urban Design and Landscape of Planning Department.

47. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Ms. Maggie M.Y. Chin, Mr. C.T. Lau and Mr. Anthony K.O. Luk, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/327 Proposed Utility Installation for Private Project (Transformer Room and Switch Room) in “Government, Institution or Community” zone, Lot 1494 S.B RP (Part) in D.D. 100, Lin Tong Mei, Kwu Tung South (RNTPC Paper No. A/NE-KTS/327)

48. The Secretary reported that the application was submitted by a subsidiary of New World Development Company Limited (New World). Mr. Ivan Fu had declared an interest in this item as he had current business dealings with New World. As Mr. Fu’s interest was direct, he should leave the meeting temporarily during the discussion of and determination on this application.

[Mr. Ivan Fu left the meeting temporarily at this point]

Presentation and Question Sessions

49. Ms. Maggie M.Y. Chin, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed utility installation for private project (transformer room and switch room);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment from a North District Council (NDC) member was received who indicated that the nearby residents should be consulted. The District Officer(North), Home Affairs Department (DO(N), HAD) advised that the Indigenous Inhabitants Representative (IIR) of Lin Tong Mei raised objection to the application as the location of the application site was not clear; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper.

50. Members had no question on the application.

Deliberation Session

51. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.10.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the

permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of proposal for water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or to the TPB.

52. The Committee also agreed to advise the applicant of the following :

- (a) to note the comments of the District Lands Officer/North, Lands Department to apply to his office for a Short Term Waiver (STW) for the proposed structures. There was no guarantee that the STW would be granted to the applicant. If the STW was granted, the grant would be made subject to such terms and conditions to be imposed as the Government should deem fit to do so including the payment of STW fee;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
 - (i) before any new building works were to be carried out on the application site, prior approval and consent from BD should be obtained, otherwise they were unauthorized building works. An authorized person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance;
 - (ii) in connection with above, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulation (B(P)R) 5

and 41D respectively; and

- (iii) if the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under B(P)R 19(3) at the building plan submissions stage;
- (c) to note the comments of the Commissioner for Transport that the area for the proposed service path between the application site and Fan Kam Road was not managed by the Transport Department. The applicant should check the land status, and the management and maintenance responsibilities for the access with the relevant lands and maintenance authorities;
- (d) to note the comments of the Director of Health that according to the World Health Organization (WHO), it was important to comply with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines (1998). With compliance with the guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities. Verification of actual compliance with the ICNIRP guidelines, by the project owner or Electrical and Mechanical Services Department as the regulator, was advisable upon the commissioning of the transformer room and switch room;
- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:

- (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier, and if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
- (f) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the application site was located within the flood pumping gathering ground;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation to implement good site practice to avoid causing any impacts on the trees including its root system particularly during the construction stage; and
- (h) to note the comments of the Director of Fire Services as follows:
- (i) emergency vehicular access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD; and
 - (ii) detailed fire safety requirements would be formulated upon receipt of

formal submission of general building plans.

[Mr. Ivan Fu returned to the meeting at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/492 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” zone, Lot 982 S.A ss.4 in D.D. 83, Tung Kok Wai,
Fanling
(RNTPC Paper No. A/NE-LYT/492)

Presentation and Question Sessions

53. Ms. Maggie M.Y. Chin, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 and Appendix V of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council member who indicated no specific comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper.

54. In response to a Member's query, Ms. Maggie Chin advised that although there was about 12.5 ha of land available within the "Village Type Development" ("V") zone of Lung Yeuk Tau for Small House development, the applicant might not be able to purchase land within the "V" zone for Small House development due to various reasons. Ms. Maggie Chin continued to say that the applicant was an indigenous villager of Lung Yeuk Tau of Fanling Heung.

55. In response to another Member's enquiry, Ms. Maggie Chin said that it was based on the advice of the Chief Engineer/Mainland North, Drainage Services Department that an approval condition requiring the applicant to submit and implement drainage proposal for the application site be imposed to ensure that the proposed Small House would not cause adverse drainage impact on the adjacent area and the existing water course/underground drainage pipes. In response to the same Member's query, Ms. Maggie Chin advised that a septic tank would be provided in the proposed Small House.

Deliberation Session

56. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.10.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of fire-fighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

57. The Committee also agreed to advise the applicant of the following :

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that his Consultants Management Division had carried out sewerage works in the vicinity of the application site under Contract No. DC/2006/17 “Northeast District Sewerage Stage 1 Phase 2B – Village Sewerage in 12 Villages in Lung Yeuk Tau and Ma Mei Ha, Fanling, New Territories”;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the application site was located within the flood pumping gathering ground; and
- (c) to note the comments of the Director of Fire Services as follows:
 - (i) the applicant was reminded to observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by the Lands Department (LandsD); and
 - (ii) that detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD / formal submission of general building plans.

Agenda Items 15 to 17

Section 16 Applications

[Open Meeting]

A/NE-PK/35

Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Village Type Development” zones, Lot 1570 S.A in D.D. 91, Kai Leng, North District
(RNTPC Paper No. A/NE-PK/35, 36 and 37A)

A/NE-PK/36 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” zone, Lot 1574 S.C ss1 in D.D. 91, Kai Leng,
North District
(RNTPC Paper No. A/NE-PK/35, 36 and 37A)

A/NE-PK/37 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” zone, Lot 1574 S.C RP in D.D. 91, Kai Leng,
North District
(RNTPC Paper No. A/NE-PK/35, 36 and 37A)

58. The Committee noted that the three applications were similar in nature and the application sites were located in close proximity to one another. The Committee agreed that these requests for deferrals could be considered together.

59. The Secretary reported that on 9.10.2012, the applicants’ representatives requested for a deferment of the consideration of the applications for two months in order to provide responses to the comments of Director of Lands, Director of Water Supplies and Chief Town Planner/Urban Design and Landscape of Planning Department.

60. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applications should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicants that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 18

Section 16 Application

[Open Meeting]

A/NE-TKL/381 Proposed Temporary Concrete Batching Plant for a Period of 3 Years in “Industrial (Group D)” zone, Lot 811 RP (Part) in D.D. 77 and Adjoining Government Land, Ping Che, Fanling
(RNTPC Paper No. A/NE-TKL/381B)

61. The Secretary reported that on 3.10.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the further comments from the Transport Department and Environmental Protection Department.

62. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/402 Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lot 8 S.A RP in D.D. 46, Tai Tong Wu, Fanling
(RNTPC Paper No. A/NE-TKL/402)

Presentation and Question Sessions

63. Ms. Maggie M.Y. Chin, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 and Appendix IV of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period. The District Officer (North) advised that the Chairman of Sha Tau Kok District Rural Committee (STKDRC) supported the application while the North District Council member and village representatives of Tai Tong Wu had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed paragraph 11 of the Paper;

64. Members had no question on the application.

Deliberation Session

65. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.10.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of fire-fighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of

the TPB; and

- (c) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB.

66. The Committee also agreed to advise the applicant of the following :

- (a) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department / formal submission of general building plans; and
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
 - (ii) the application site was within the flood pumping gathering ground.

[The Chairman thanked Ms. Maggie Chin, STP/STN, for her attendance to answer Members' enquiries. Ms. Chin left the meeting at this point.]

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/442 Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Village Type Development” zones, Lot 344 s.A ss.1 in D.D. 9, Kau Lung Hang San Wai, Tai Po
(RNTPC Paper No. A/NE-KLH/442)

Presentation and Question Sessions

67. Mr. C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 and Appendix IV of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper.

68. Members had no question on the application.

Deliberation Session

69. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.10.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

70. The Committee also agreed to advise the applicant of the following :

- (a) construction of the Small House should not commence before the completion of the planned sewerage system;
- (b) the applicant should connect the house to the future public sewer at his own cost;
- (c) the sewerage connection point should be within the application site;
- (d) adequate land should be reserved for the future sewerage facilities and

connection work;

- (e) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that after planning approval had been given by the TPB, LandsD would process the Small House application in accordance with applicable practices and procedures. If the Small House application was approved by LandsD acting in the capacity as landlord at his discretion, such approval would be subject to such terms and conditions as might be imposed by LandsD. There would be no guarantee the grant of a right of way to the Small House concerned or approval of emergency vehicular access thereto;

- (f) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Consultants Management, Drainage Services Department (DSD) that there was no public drain maintained by DSD in the vicinity of the site. The applicant was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisances caused by failure of the systems. There was no existing public sewerage in the vicinity of the site. Sewerage connection might be available when the proposed village sewerage works under the project “North District Sewerage, Stage 2 Phase 1” was completed. DSD’s contract No. DC/2012/04 – Sewerage in Kau Lung Hang San Wai, Kau Lung Hang Lo Wai and Tai Hang had commenced in 2012 for completion by end 2016. Upon completion of this contract, public sewerage would be provided near the proposed Small House. The sewer alignment might be fine-tuned during the course of construction to suit the actual site condition. Environmental Protection Department (EPD) might require the lot owner to make proper connection from the premises to the public sewerage at his own cost when the public sewerage was completed. EPD should be consulted on the sewage treatment/disposal aspect of the development;

- (g) to note the comments of the Chief Engineer/Development (2), Water

Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (h) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (i) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the applicant should provide mitigation measures at his own cost against any nuisances (e.g. noise, dust, etc.) from the public roads. The site was outside Tolo Highway/Fanling Highway Stage 2 site boundary and the applicant should assess the impact to the proposed village house due to the Stage 2 works and implement necessary measures; and
- (j) to note that the permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/443 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” zone, Lots 650 s.A and s.B RP in D.D. 9,
Yuen Leng, Tai Po
(RNTPC Paper No. A/NE-KLH/443)

Presentation and Question Sessions

71. Mr. C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the proposed house had less than 50% of the footprint within the village ‘environs’ (‘VE’) of Yuen Leng, Kau Lung Hang San Wai and Kan Lung Hang Lo Wai. The application site fell within the upper indirect water gathering ground (WGG). According to Chief Engineer/ Consultants Management, Drainage Services Department (CE/CM, DSD), the proposed sewerage scheme in Yuen Leng Village was degazetted on 29.10.2010 and there was no fixed programme at this juncture for the proposed village sewerage works in Yuen Leng Village. In this regard, both Director of Environmental Protection (DEP) and Chief Engineer/ Development (2), Water Supplies Department (CE/Dev(2),WSD) did not support the application as it was not sure if the application site would be able to be connected to the planned sewerage system in the area and the sewerage discharge from the proposed house would have potential to cause water

pollution to WGG. Other concerned government departments had no objection to or adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, a total of 12 public comments were received, including nine objections from residents of Yuen Leng Village, and others from Designing Hong Kong and Kadoorie Farm and Botanic Garden (KFBG) against the application as well as from MTR Corporation Limited (MTRC) expressing concerns regarding the proposed development. Their comments were summarised below:
 - (i) the residents of Yuen Leng Village objected to the application on the grounds of adverse impacts on the proposed government sewerage works, access to the surrounding houses, drainage and sewerage facilities, public safety, sunlight penetration, air ventilation, ecology and ‘fung shui’ of the area;
 - (ii) Designing Hong Kong Limited objected to the application as there was a lack of a sustainable village layout plan for the area whereas KFBG had concerns on the reduction of land in the “Agriculture” (“AGR”) zone available for agricultural purpose; and
 - (iii) MTRC expressed concerns on the proposed development as the site was close to the East Rail Line and noise from train operations might have potential impact on the future occupants of the proposed Small House.
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in paragraph 11 of the Paper and highlighted below:
 - (i) the proposed Small House did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories (Interim Criteria) in that more than 50% of the footprint of the proposed Small House fell

outside both the “Village Type Development” (“V”) zone and the ‘VE’ of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai. In this regard, DLO/TP did not support the planning application;

- (ii) regarding the two similar approved applications No. A/NE-KLH/378 and 379 located to the immediate northeast of the site, they were approved by the Committee on 19.12.2008 as they complied with the Interim Criteria in that the proposed Small Houses had more than 50% of the footprints falling within the ‘VE’; there was a general shortage of land to meet the demand for Small House development in the concerned “V” zone; and the proposed houses would be able to be connected to the planned sewerage system in the area at that time; and
- (iii) the site was located within the upper indirect WGG. However, CE/CM, DSD advised that the proposed sewerage scheme in Yuen Leng Village was degazetted on 29.10.2010. It was uncertain whether the proposed Small House located within the WGG could be connected to the planned sewerage system in the area. Both DEP and CE/Dev(2), WSD did not support the application.

72. Members had no question on the application.

Deliberation Session

73. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories in that more than 50% of the footprint of the proposed Small House fell outside both the “Village Type Development”

zone and the village ‘environs’ of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai and it was uncertain whether the proposed Small House located within the Water Gathering Grounds (WGGs) could be connected to the planned sewerage system in the area; and

- (b) the applicant failed to demonstrate in the submission that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area.

Agenda Items 22 and 23

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/444 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” zone, Lot 858 s.A ss.1 in D.D. 9, Tai Wo, Tai Po
(RNTPC Paper No. A/NE-KLH/444 and 445)

A/NE-KLH/445 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” zone, Lot 857 RP in D.D. 9, Tai Wo, Tai Po
(RNTPC Paper No. A/NE-KLH/444 and 445)

74. The Committee noted that these two applications were similar in nature and the application sites were located in close proximity to each other and within the same zone. The Committee agreed that these applications could be considered together.

Presentation and Question Sessions

75. Mr. C.T. Lau, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House – Small House) at each application site;

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The application sites fell within the upper indirect water gathering ground (WGG). According to Chief Engineer/ Consultants Management, Drainage Services Department (CE/CM, DSD), the proposed sewerage scheme in Yuen Leng Village was degazetted on 29.10.2010 and there was no fixed programme at this juncture for the public sewerage works. As there was no committed/implementation programme for the planned public sewerage system in the area and the sewage discharge from the proposed houses would have potential to cause water pollution to the WGG, the Director of Environmental Protection (DEP) and the Director of Water Supplies (DWS) did not support the applications;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments as detailed in paragraph 11 of the Paper. The sites were located within the upper indirect WGG. The Director of Drainage Services advised that public sewerage connection point would be provided in the vicinity of the sites. However, since the sewerage scheme was degazetted on 29.10.2010, there was no fixed programme for the public sewerage works at this juncture. The DEP and the DWS did not support the applications and raised concern that the sewage discharge from the proposed houses would have potential to cause water pollution to the WGG. The proposed developments did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed Small Houses located within the WGG would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture. For Application No. A/NE-KLH/445, a previous Application No.

A/NE-KLH/275 for a Small House at the site was approved with conditions by the Committee on 21.9.2001. However, it should be noted that this application was approved before 23.8.2002, which was the date when the Interim Criteria was revised to incorporate the criterion on requirement for connection to existing or planned sewerage system.

76. Members had no question on the applications.

Deliberation Session

77. The Chairman said that the application sites were within the WGG and the applications did not comply with the Interim Criteria in that the proposed Small Houses would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system. Member generally agreed to reject the applications.

78. After further deliberation, the Committee decided to reject the applications. Members then went through the reason for rejection as stated in paragraph 12.1 of the Paper and considered that it was appropriate. The reason was :

- the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed Small House located within the water gathering ground would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/459 Proposed 2 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” and “Village Type Development” zones, Lot 1204 S.B ss.4 RP, 1204 S.B ss.5, 1204 S.B ss.7 RP and 1204 S.B ss.8 in D.D 19, Lam Tsuen San Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/459)

Presentation and Question Sessions

79. Mr. C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses – Small Houses) with House 1 at Lot 1204 S.B ss.5 and 1204 S.B ss.8 and House 2 at Lot 1204 S.B ss.4 RP and 1204 S.B ss.7 RP;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site fell partly within “Agriculture” (“AGR”) zone and had high potential for rehabilitation of agricultural activities;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer(Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD’s assessments were detailed in paragraph 11 of the Paper and highlighted below:

- (i) the site for the two proposed Small Houses straddled an area zoned “Village Type Development” (“V”) (40%) and “AGR” (60%) on the OZP. The site was entirely within the village ‘environs’ of Lam Tsuen San Tsuen. About 83% and 46% of the respective footprints of House 1 and House 2 fell within the “V” zone;
- (ii) the proposed Small Houses were not in line with the planning intention of the “AGR” zone and DAFC did not support the application as the site had high potential for rehabilitation of agricultural activities;
- (iii) according to District Lands Officer /Tai Po’s records, the total numbers of outstanding Small House applications and the number of 10-year Small House demand for Lam Tsuen San Tsuen were 33 and 60 respectively. From the latest estimate by Planning Department, about 3.19 ha (or equivalent to about 127 Small House sites) of land were available within the “V” zone of Lam Tsuen San Tsuen. In this regard, there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Lam Tsuen San Tsuen;
- (iv) there were a number of village houses within the vicinity of the site and it was considered that the proposed Small House development was not incompatible with the surrounding environment. The proposed Small Houses would be able to be connected to the planned public sewerage system;
- (v) the similar application No. A/NE-LT/456 was approved by the Committee on 6.7.2012 mainly on the grounds of sympathetic consideration in view of its exceptional circumstances despite there was no general shortage of land available for Small House development in the “V” zone, i.e. the proposed Small House was an in-fill development sandwiched between an existing Small House and approved Small House applications (No. A/NE-LT/355 and 408);

- (vi) a proposed Small House located to the immediate east of the site under Application No. A/NE-LT/452 was approved by the Committee with conditions on 20.7.2012. Although there was no general shortage of land available for Small House development within the “V” zone of Lam Tsuen San Tsuen, sympathetic consideration was given by the Committee taking into account the fact that the majority (about 77%) of the footprint of the proposed Small House fell within the “V” zone; and
- (vii) the proposed Small Houses under the subject application did not meet the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories (Interim Criteria) as there was no general shortage of land within the “V” zone to meet Small House demand. However, sympathetic consideration could be given to House 1 on the eastern side of the site which had 83% of its footprint falling within the “V” zone. It had shared similar site characteristics as those of the proposed Small House under Application No. A/NE-LT/452 which was approved by the Committee with conditions on 20.7.2012. Regarding House 2 on the western side of the site, it did not warrant the same sympathetic consideration as only 46% of its footprint fell within “V” zone and it could not be regarded as an in-fill development.

80. Members had no question on the application.

Deliberation Session

81. A Member considered that the Interim Criteria should be strictly followed in assessing the Small House application. Another Member concurred.

82. A Member referred to Plan A-2 of the Paper and noted that there was a site marked “R” to the north of House 2. This Member enquired whether it could be used for a Small House development. In response, Mr. C. T. Lau advised that the site marked “R” on

the plan was a site with ruin structure. As this site was zoned “V” on the OZP, Small House development thereon would not require planning permission from the Board. Ms. Anita Lam said that according to her information, the site marked “R” on the Plan had been subdivided into private lots but she had no information as to whether Small House application on the site had been submitted.

For House 1 at Lots 1204 S.B ss.5 and 1204 S.B ss.8 in D.D. 19

83. After further deliberation, the Committee decided to approve the application in respect of House 1 at Lots 1204 S.B ss.5 and 1204 S.B ss.8 in D.D. 19, on the terms of the application as submitted to the Town Planning Board (TPB). The permission for the proposed Small House should be valid until 19.10.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

84. The Committee also agreed to advise the applicant of the following :

- (a) the proposed house should be connected to the future public sewer when available;
- (b) the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (c) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (d) the septic tank should be within the application site and within the “Village Type Development” (“V”) zone;
- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the applicant was required to maintain the drainage system properly; to rectify the drainage system if it was found to be inadequate or ineffective during the operation, and to indemnify the government against claims and demands arising out of damage or nuisance caused by failure of the system;
- (g) to note the comments of the Chief Engineer/Project Management, DSD that the scope of provision of village sewerage to Lam Tsuen Valley “V” zone area was being finalised under the project 4332 DS “Lam Tsuen Valley Sewerage”. The village sewerage works near this area was started this year for completion in 2015 tentatively subject to the land acquisition progress. Theoretically, the applicant could extend his sewers via other private/government land to the proposed public sewers by himself if he would like to discharge the sewage into the public sewerage system;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department in paragraph 4 of Appendix IV of the Paper;

- (i) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the access road leading to the application site was not maintained by Highways Department;
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the following measures:
 - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) prior to establishing any structure within the application site, the applicant and/or his contractor should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractor when carrying out works in the vicinity of the electricity supply lines.

For House 2 at Lots 1204 S.B ss.4 RP and 1204 S.B ss.7 RP in D.D. 19

85. The Committee decided to reject the application in respect of House 2 at Lots 1204 S.B ss.4 RP and 1204 S.B ss.7 RP in D.D. 19. Members then went through the

reasons for rejection as stated in paragraph 12.2 (II) of the Paper and considered that they were appropriate. The reasons were:

- (a) the proposed Small House development was not in line with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories in that over 50% of its footprint fell outside the “Village Type Development (“V”) zone and there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Lam Tsuen San Tsuen; and
- (b) there was land available within the “V” zone of Lam Tsuen San Tsuen to meet the demand forecast for Small House development. The applicant failed to demonstrate in the submission why suitable site within areas zoned “V” could not be made available for the proposed development.

Agenda Items 25 and 26

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/392 Proposed House (New Territories Exempted House – Small House) in
“Green Belt” zone, Lot 392 S.B in D.D. 28, Lung Mei, Tai Po
(RNTPC Paper No. A/NE-TK/392 and 393A)

A/NE-TK/393 Proposed House (New Territories Exempted House – Small House) in
“Green Belt” zone, Lot 390 RP and Adjoining Government Land in
D.D. 28, Lung Mei, Tai Po
(RNTPC Paper No. A/NE-TK/392 and 393A)

86. The Committee noted that these two applications were similar in nature and the application sites were located in close proximity to each other and within the same zone. The Committee agreed that these applications could be considered together.

Presentation and Question Sessions

87. Mr. C.T. Lau, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House – Small House) at each application site;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that he had grave concern that the integrity of the subject “Green Belt” (“GB”) zone at the edge of Lung Mei Village would be compromised eventually. The cluster of previously approved Small House applications had demonstrated that the approval of the Small House applications would very likely lead to further encroachment onto the “Green Belt” zone. Other concerned government departments had no objection to or adverse comment on the application;
- (d) during the statutory publication periods, six public comments against the planning application No. A/NE-TK/392 and five public comments against planning application No. A/NE-TK/393 were received. The comments were submitted by Designing Hong Kong Limited, WWF Hong Kong and Kadoorie Farm & Botanic Garden Corporation and were summarised below:
 - (i) the proposed developments were not in line with the planning intention of the “GB” zone;
 - (ii) the proposed developments were not in compliance with the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for ‘Application for Development within “Green Belt” zone’ in that the proposed houses would likely incur adverse effects on the trees of the adjacent woodland;

- (iii) approval of the applications would set an undesirable precedent for other similar applications causing cumulative impacts on the subject “GB” zone and the adjacent woodland; and
 - (iv) the area was zoned “GB” and the zoning intention and character of the area was incompatible with urban sprawl. The area lacked a plan for a sustainable layout of infrastructure and development.
- (e) the Planning Department (PlanD)’s views – PanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. As regards the public comments and the CTP/UD&L of PlanD’s concerns on the potential adverse impact on the “GB” zone and the adjacent woodland, there was no significant vegetation within the sites and no felling of trees in the adjacent woodland would be required for development of the proposed Small Houses. Furthermore, an approval condition requiring the applicant to submit and implement landscape proposal and an advisory clause reminding the applicant to avoid impacts on the nearby trees were recommended to minimise the potential adverse landscape impacts caused by the proposed development on the surrounding areas.

88. With reference to Plan A-2, a Member asked whether the application sites would encroach onto the adjacent slope which might cause slope safety problem. Mr. C. T. Lau referred to the photos in Plan A-4 of the Paper and said that the application sites were generally flat and covered with grass and shrubs. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) had no adverse comment on the applications.

89. In response to a Member’s query, Mr. C. T. Lau referred to the Plan A-2 and advised that in the vicinity of the application sites, there were similar Small House development under various planning applications, previously approved by the Committee with conditions.

90. In response to another Member's queries, Mr. C. T. Lau referred to Plan A-2 and advised that the application site was within the "Green Belt" ("GB") zone and the village 'environs' ('VE') of Lung Mei, Wong Chuk Tsuen and Tai Mei Tuk. The subject Small House application was assessed based on the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/ Small House in New Territories (Interim Criteria) and the Town Planning Guidelines No. 10 for 'Application for Development within "Green Belt" zone' (TPB PG No.10). The Secretary supplemented that both the Interim Criteria and the TPB PG No. 10 had to be taken into account in considering the subject applications for Small House development. One of the criteria stipulated in the Interim Criteria was that sympathetic consideration might be given to an application for a proposed Small House if not less than 50% of the proposed Small House footprint fell within the 'VE' of a recognised village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the village. The proposed Small House under application complied with this criterion as 100% of the footprint of the proposed Small Houses fell within the 'VE'. Regarding the TPB PG No. 10, two of the assessment criteria were relevant to the subject applications, namely any proposed development within the "GB" zone should not involve extension clearance of existing natural vegetation and any proposed development on a slope and hill side should not adversely affect slope stability. In this regard, the proposed Small House development under the two applications would not involve any tree felling and would not cause slope stability problem.

Deliberation Session

91. After further deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 19.10.2016, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permission were renewed. The permissions were subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and

- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

92. The Committee also agreed to advise each applicant of the following :

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain in the vicinity of the site. The applicant was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was no existing public sewerage in the vicinity of the site. Nevertheless, sewerage connection might be available when the proposed sewerage works under the project “Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C” was completed in around 2012/13. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (b) to note comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend their inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards;
- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid impacts on the trees nearby;
- (d) to note the comments of the Head of Geotechnical Engineering Office,

Civil Engineering and Development Department that the applicant was reminded to make necessary submission to the Lands Department to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption was not granted, the applicant should submit a site formation plan to the Buildings Department in accordance with the provision of the Buildings Ordinance; and

- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/407 Proposed Public Utility Installation (Package Substation) and
Excavation of Land in “Conservation Area” zone,
Government Land in D.D. 23, San Tau Kok, Tai Po
(RNTPC Paper No. A/NE-TK/407)

Presentation and Question Sessions

93. Mr. C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (package substation) and excavation of land;

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, Lands D) did not support the application as a portion of the site fell within the boundary of a sewerage project “Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase IIC”. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that the proposed substation was not supported from public drainage viewpoint as it encroached upon the existing public drains and the drainage reserves;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in paragraph 10 of the Paper. The proposed development was not in line with the planning intention of the “Conservation Area” zone, which was intended to protect and retain the existing natural character or ecological features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Site of Special Scientific Interest or Country Park from the adverse effects of development. There was a general presumption against development in this zone. Besides, the proposed development encroached upon the existing public drains and the associated drainage reserves. The approval of the application would jeopardize the implementation and maintenance of public drains. The CE/MN of DSD and the DLO/TP of LandsD did not support the application.

94. The Chairman asked whether DPO had liaised with the applicant to explore the feasibility of shifting the application site away from the drainage reserves. In response, Mr. C. T. Lau said that he had asked the applicant to liaise with DSD to identify another suitable site for such use.

Deliberation Session

95. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development was not in line with the planning intention of the “Conservation Area” zone, which was intended to protect and retain the existing natural character or ecological features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Site of Special Scientific Interest or Country Park from the adverse effects of development. There was a general presumption against development in this zone; and
- (b) the proposed development encroached upon the existing public drains and the associated drainage reserves. The approval of the application would jeopardize the implementation and maintenance of public drains.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/408 Proposed House (New Territories Exempted House – Small House) in
“Green Belt” and “Village Type Development” zones, Lot 1471 in
D.D. 17, Lo Tsz Tin, Tai Po
(RNTPC Paper No. A/NE-TK/408)

Presentation and Question Sessions

96. Mr. C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application as the site was close to the edge of the existing woodland and site formation works of the Small House were likely to have adverse impacts on the existing vegetation adjoining the site. The applicant had not submitted any information on the extent of site formation works required. Other concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments submitted by Kadoorie Farm & Botanic Garden Corporation, WWF Hong Kong and Lo Tsz Tin Village Office objecting to the application were received. The comments were summarised below:
 - (i) the general intention of “GB” zone was for conservation and to act as a buffer between urban setting and natural landscape. The proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone and should be confined within the “Village Type Development” (“V”) zone;
 - (ii) the site was close to a streamcourse. Surface runoff during the construction phase and overflow of sewage from septic tank would cause adverse impacts on the water quality and aquatic ecology of the streamcourse;
 - (iii) the site was adjacent to a secondary woodland. The proposed development would incur adverse effects on the trees and vegetation of the woodland;

- (iv) the approval of the application would set an undesirable precedent for other similar applications that would result in cumulative impacts on the area. The encroachment onto “GB” would also degrade the ecological value and function of the “GB” zone; and
 - (v) as there were already many Small House applications, indigenous villager from other villages should not be allowed to build Small Houses within the subject village, i.e. Lo Tsz Tin.
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. Regarding the concerns of the CTP/UD&L, PlanD, it could be addressed by imposition of landscape and tree preservation condition. Regarding public comments on the potential adverse impacts on the adjacent woodland and streamcourse, as the application involved the development of a Small House, it was not anticipated to have significant adverse impacts on the natural environment and conservation of the surrounding areas. Concerned government departments had no adverse comment on the application. The concerns of the commenters could be addressed through imposition of relevant approval condition on landscape proposal as well as advisory clause requiring the applicant to avoid disturbances to the stream and trees in the surrounding area.

97. Members had no question on the application.

Deliberation Session

98. The Chairman noted that the subject application and the proposed House 2 under Application No. A/NE-LT/459 previously considered by the Committee under agenda item 24 were similar. Both applications were for Small House development and the proposed Small House under each application had about 46% of its footprint falling within the respective “V” zone. The Chairman asked why PlanD’s recommendations were different for the two applications.

99. In response, the Secretary said that the major difference between the two applications was on the availability of land within the two “V” zones to meet Small House demand. Under the subject application, there was insufficient land within the “V” zone to meet Small House demand. However, there was no shortage of land within the “V” zone in the case of Application No. A/NE-LT/459.

100. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.10.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

101. The Committee also agreed to advise the applicant of the following :

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain in the vicinity of the site. The applicant/owner was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was no existing public sewerage in the vicinity of the site. Nevertheless, proposed public sewerage system in the vicinity of the site would be implemented under the project “Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C”

which was tentatively scheduled for completion in 2013. The Director of Environmental Protection (DEP) should be consulted regarding the sewage treatment/disposal aspects of the proposed development;

- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend their inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should follow the Buildings Department Practice Note for Authorized Persons and Registered Structural Engineers No. 295 "Protection of natural streams/rivers from adverse impacts arising from construction works" in particular the Appendix B "Guidelines on Developing Precautionary Measures during the Construction Stage" so as to avoid disturbance to the stream and causing water pollution. The DEP should be consulted on the sewage disposal arrangement. Besides, disturbance to those trees between the site and the stream should be minimized as far as possible;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department as the site was close to the edge of the existing woodland, the extent of site formation works should be minimized to avoid damages to the existing vegetation during construction of the proposed Small House;
- (e) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make necessary submission to the Lands Department to verify if the site satisfied the criteria for the exemption for site formation works as

stipulated in PNAP No. APP-56. If such exemption was not granted, the applicant should submit a site formation plan to the Buildings Department in accordance with the provision of the Buildings Ordinance; and

- (f) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/409 Temporary Shop and Services (Real Estate Agency and Property Management) for a Period of 3 Years in “Village Type Development” zone, Lot 1092 S.B RP (Part) in D.D. 23, Po Sam Pai, Tai Po
(RNTPC Paper No. A/NE-TK/409)

Presentation and Question Sessions

102. Mr. C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (real estate agency and property management) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments given in paragraph 11 of the Paper.

103. Members had no question on the application.

Deliberation Session

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.10.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.4.2013;
- (b) in relation to (a) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.7.2013;
- (c) the submission of fire service installations (FSIs) and water supplies for fire fighting proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2013;
- (d) in relation to (c) above, the provision of FSIs and water supplies for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.7.2013;
- (e) if any of the above planning conditions (a), (b), (c) or (d) was not complied with by the specified date, the approval hereby given should cease to have

effect and should on the same date be revoked without further notice; and

- (f) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

105. The Committee also agreed to advise the applicant of the following :

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note the comments of the District Lands Office/Tai Po, Lands Department that the applicant should apply for Short Term Waiver to regularize the unauthorized structures on private lot;
- (c) to note the comments of the Commissioner for Transport that the existing village access connecting the site was not under the management of Transport Department. The applicant was advised to clarify the land status, management and maintenance responsibilities of the village access with the relevant lands and maintenance authorities in order to avoid potential land disputes;
- (d) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Consultants Management, Drainage Services Department that there was no public drain in the vicinity of the site. The applicant/owner was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems. There was no existing public sewerage for connection in the vicinity of the site. Public sewerage system in close vicinity of the site would be implemented under the project "Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C". The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal

aspects of the development; and

- (e) to note the comments of the Director of Fire Services (D of FS) that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed site, FSIs would be needed. In such circumstances, except where building plan was circulated to the Buildings Department, the applicant was required to send the relevant layout plans incorporated with the proposed FSIs to the D of FS for approval. In doing so, the applicant should note that:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/410 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” and “Green Belt” zones, Government Land in D.D. 15,
Shan Liu, Tai Po

(RNTPC Paper No. A/NE-TK/410)

Presentation and Question Sessions

106. Mr. C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site was outside the village ‘environs’ (‘VE’) and “Village Type Development” (“V”) zone of Shan Liu. The Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the site was located within the lower indirect water gathering ground (WGG) and fell outside the “V” zone and ‘VE’ of Shan Liu. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning perspective. There was no information provided in the submission to demonstrate that the site formation works would not have significant adverse landscape impacts on the surrounding area. In view of the high landscape quality in the surrounding area, the site was sensitive to urban development. Also, there was a general presumption against development within “Green Belt” (“GB”) zone. Approval of the Small House would set an undesirable precedent to other similar applications in the area, leading to urban sprawl and degradation of the existing upland countryside landscape quality;
- (d) one public comment submitted by Kadoorie Farm & Botanic Garden Corporation was received during the first three weeks of the statutory publication period. The commenter objected to the application for the following reasons :
- (i) the proposed development was not in line with the planning intention of “AGR” and “GB” zones. The general intention of “GB” zone was for conservation and to act as a buffer between urban setting and natural landscape whereas that of “AGR” zone was to safeguard and retain good quality agriculture land;
 - (ii) as the site was located within the WGG, any effluent/runoff from the proposed development would have the potential to affect the WGG;

- (iii) some suspected site formation work might have been conducted at the village. Any “destroy first, build later” activities should not be tolerated;
 - (iv) the approval of the application would set an undesirable precedent for other similar applications resulting in cumulative impacts on the area; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in paragraph 12 of the Paper. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories (Interim Criteria) as the site was entirely outside the “V” zone and the ‘VE’ of any recognized villages. In this regard, the DLO/TP of LandsD did not support the application. Approval of the application would set an undesirable precedent for other similar applications in the area. There was no exceptional circumstance or strong justification provided by the applicant that merited sympathetic consideration of the application. Besides, the applicant failed to demonstrate that the proposed development located within the lower indirect WGG would not cause adverse impact on the water quality in the area. The CE/Dev(2) of WSD objected to the application as the site was within the lower indirect WGG and fell outside the “V” zone and ‘VE’ of Shan Liu.

107. Members had no question on the application.

Deliberation Session

108. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories as the site was entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognized villages; and
- (b) the applicant failed to demonstrate that the proposed development located within the lower indirect water gathering ground would not cause adverse impact on the water quality in the area.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/523 Proposed House (Redevelopment) in “Green Belt” zone, Lot 2087 in
D.D. 6, Pun Chun Yuen Road, Tai Po
(RNTPC Paper No. A/TP/523A)

Presentation and Question Sessions

109. Mr. C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (Redevelopment);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) two public comments were received during the first three weeks of the statutory publication period. They objected to the application on the

grounds that the proposed redevelopment would generate environmental nuisances and would be converted into a columbarium; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Regarding the concerns of the public commenters, there was no indication that the development would be converted into a columbarium use. The proposed development was for redevelopment into a house with swimming pool and garden. Relevant government departments consulted had no adverse comment on the application.

110. A Member noted that the application site was the subject of a previous application No. A/TP/516 for redevelopment of two houses approved by the Committee with conditions on 4.5.2012. In comparing the proposed scheme under the current application with the approved scheme under Application No. A/TP/516, there was no increase in gross floor area (GFA) and plot ratio but a significant increase in site coverage from 5.8% to 13.5%. The Member asked PlanD's view on the above change. In response, Mr. C. T. Lau advised that the increase in site coverage was mainly due to the incorporation of E&M room (sprinkler tank & pump room, electrical room, flushing pump room) and a covered carport. The concerned departments consulted had no adverse comments on the proposed redevelopment scheme under application. He also said that the existing development on the subject site had a GFA of 398m² which was in compliance with the Town Planning Board Guidelines No. 10 'Application for Development within "GB" zone' (TPB PG No. 10) in that the redevelopment of existing residential development would generally be permitted up to the intensity of the existing development. In response to the same Member's query on the inclusion of a sprinkler tank in the proposed house, Mr. C. T. Lau advised that the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) had no in-principle objection to the application and BD would provide detailed comments including the size of E&M room at the building plan submission stage.

111. In response to a Member's query, Mr. C.T. Lau referred to Plan A-3 and advised that the two existing houses on the site would be demolished upon redevelopment.

112. A Member opined that as compared to the previously approved scheme on the site, the substantial increase in site coverage was mainly due to the provision of automatic sprinkler system and the associated E&M room for the proposed development. This Member had doubt on the need for such a sprinkler system for a 2-storey house. Hence, the applicant should be requested to provide justifications for the need of the system which resulted in a substantial increase in site coverage as compared to the previously approved scheme. The above views were shared by another Member.

113. In response to a Member's enquiry, the Chairman said that one of the criteria stated in the TPB-PG No. 10 was that redevelopment of existing residential development would generally be permitted up to the intensity of the existing development, the intensity of which was referring to GFA or plot ratio of the existing development. In this regard, the GFA of the proposed redevelopment scheme was the same as the existing development on the site.

114. The Chairman said that the existing development intensity of the subject site should be respected. He noted that the proposed redevelopment would not involve tree felling and detailed comments on the size of the proposed E&M room would be provided by the Buildings Department during building plan submission stage. The Chairman also said that as the site was not at a prominent location, the increase in site coverage of the proposed redevelopment would not have significant adverse impact on the area.

115. A Member said that although there was no increase in GFA under the current redevelopment proposal, there was a significant increase in site coverage and clear justifications from the applicant should be provided. This Member opined that the consideration of the application should be deferred pending the applicant's submission of further information to justify the increase in site coverage. Another Member said that as the subject site fell within the "GB" zone where there was a general presumption against development, any further relaxation of the site coverage of the previously approved application should be fully justified by the applicant.

116. The Secretary explained that the "GB" zone was a broad-brush land use zoning which might include scattered building lots within the zoning. In this regard, development of private lots with building status within the "GB" zone was normally respected. The subject

application was considered in line with the TPB PG No. 10 in that there was no increase in development intensity as compared with the existing development and no tree felling was involved. However, should Members have concern on the increase in site coverage, the applicant should be requested to provide information on that aspect.

117. In response to a Member's query, Mr. C. T. Lau said that the two existing houses shown on Plan A-3 were the same houses found on the site when the previous application No. A/TP/516 was considered by the Committee on 4.5.2012. Mr. C. T. Lau added that according to the applicant, the two houses would be demolished upon redevelopment. The Secretary advised that the proposed house development under the current application comprised one 2-storey house with E&M room and carport, while the previously approved scheme comprised two 2-storey houses without E&M room and carport.

118. After further deliberation, the Committee decided to defer a decision on the application pending the submission of further information to justify the increase in site coverage under the current application.

[The Chairman thanked Mr. C.T. Lau, STP/TP, for his attendance to answer Members' enquires. Mr. Lau left the meeting at this point.]

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/794 Shop and Services (Selling and Maintenance of Bicycles) in
"Industrial" zone, Unit B1A, G/F, Unison Industrial Centre, 27-31 Au
Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/794)

Presentation and Question Sessions

119. Mr. Anthony K.O. Luk, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (selling and maintenance of bicycles);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment was received from the representative of the Incorporated Owners of Unison Industrial Centre who supported the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments given in paragraph 11 of the Paper. A temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

120. Members had no question on the application.

Deliberation Session

121. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.10.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of the fire service installations in the application premises within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2013; and

- (b) if the above planning condition (a) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

122. The Committee also agreed to advise the applicant of the following :

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining workshop should not be adversely affected;
- (f) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application; and

- (g) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

[The Chairman thanked Mr. Anthony K.O. Luk, STP/STN, for his attendance to answer Members’ enquires. Mr. Luk left the meeting at this point.]

[The meeting was adjourned for a break of 5 minutes.]

Tuen Mun and Yuen Long District

Agenda Item 33

Section 12A Application

[Open Meeting]

Y/TM/9

Application for Amendment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/29, from “Industrial” to “Commercial (1)”, Foo Yik Commercial Building, No. 2 San On Street, Tuen Mun
(RNTPC Paper No. Y/TM/9)

123. The Secretary reported that on 11.10.2012 and 12.10.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the departmental and public comments regarding the application.

124. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the

applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Mr. C.C. Lau, Mr. Vincent T.K. Lai, Mr. K.C. Kan and Ms. Bonita Ho, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/438 Shop and Services (Property Agency) in “Industrial” zone, Workshop
Unit A1, G/F, Block 1, Koon Wah Mirror Factory No. 6 Industrial
Building, 7-9 Ho Tin Street, Tuen Mun
(RNTPC Paper No. A/TM/438)

Presentation and Question Sessions

125. Mr. C.C. Lau, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (property agency);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) one public comment from a company supporting the application was received during the first three weeks of the statutory publication period;
and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments given in paragraph 11 of the Paper. A temporary approval of three years was recommended in order not to jeopardize the long term planning intension of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

126. Members had no question on the application.

Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.10.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire service installations proposal in the application premises within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.1.2013;
- (b) the implementation of fire service installations proposal in the application premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2013; and
- (c) if the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

128. The Committee also agreed to advise the applicant of the following :

- (a) prior planning permission should have been obtained before commencing the applied use at the premises;

- (b) a temporary approval of three years was given in order to allow the Committee to monitor the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) shorter compliance periods were granted in order to monitor the situation of the application premises and the fulfilment of approval condition;
- (d) sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance with approval conditions;
- (e) to note the comments of the District Lands Officer/Tuen Mun that the applicant would need to apply to him for a lease modification or temporary waiver for the proposal. The proposal would only be considered upon their receipt of formal application from the applicant and there was no guarantee that the application, if he received, would be approved and he reserved his comment on such. The application would be considered by the Lands Department acting in the capacity as the landlord at its sole discretion. In the event that the application was approved, it would be subject to such terms and conditions as the Government should deem fit to do so, including, among others, charging of premium, waiver fee and administrative fee;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that adequate fire protection/separation between different uses had to be installed. Detailed comments would be made at the building plan submission stage; and
- (g) to note that the Director of Fire Services had no objection in principle to the application provided that a means of escape completely separated from the industrial portion was available and fire service installations were provided to his satisfaction. Detailed requirements would be formulated upon receipt of formal submission of general building plans. Regarding matters

in relation to fire resisting construction of the premises, the applicant should be advised to comply with the requirements as stipulated in Code of Practice for Fire Safety in Buildings 2011 which was administrated by the BD. The subject building was subject to maximum permissible limit of 460m² for aggregated commercial floor area on G/F since it was fully protected by a sprinkler system. The proposed use, 'Shop and Services' was considered as commercial uses and should be counted up to the aggregated commercial floor area.

[The Chairman thanked Mr. C.C. Lau, STP/TMYL, for his attendance to answer Members' enquires. Mr. Lau left the meeting at this point.]

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/192 Proposed Shop and Services (Retail Shop) in "Open Space" zone, G/F,
Lots 4582 S.A (Part) and 4583 R.P. (Part) in D.D. 116,
Tai Kei Leng Road, Yuen Long
(RNTPC Paper No. A/YL/192)

Presentation and Question Sessions

129. Mr. Vincent T.K. Lai, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (retail shop);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 8 of the Paper;

- (d) during the first three weeks of the statutory publication period, six objecting and one supporting public comments were received. The comments were summarised below:
- (i) three members of the public objected to the application mainly on the grounds that Tai Kei Leng Road and all local roads were very narrow and congested and traffic volume was high as well. All roads were always fully occupied by big trucks and public buses. Loading and unloading the frozen products at Tai Kei Leng Road would worsen the recent situation. Noise, dirt, lighting and safety nuisances would become more significant. Moreover, residents who lived around could go to Yuen Long market to buy food or frozen products;
 - (ii) the Owners' Committee of Sereno Verde and a Yuen Long District Council (YLDC) Member objected to the application mainly on the grounds that the applied use would generate hygienic problems, cause nuisances to the daily lives of the residents, and would cause traffic, noise and safety nuisances;
 - (iii) an administrator of the registered owner of the remaining portion of the adjacent lot objected to the application on the grounds that the boundary of the lots were incorrectly identified by the applicant and the land boundary plan was not prepared by an authorised land surveyor;
 - (iv) another YLDC Member supported the application on the grounds that the proposed frozen food shop could bring convenience to local residents and the proposed operation hours would not cause significant noise and environmental nuisance to the nearby areas;
and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the

Paper. Regarding the public comments objecting to the application mainly for the reasons of noise, traffic, safety and hygiene nuisances that might be generated from the proposed frozen food shop, relevant government departments consulted had no adverse comments on the application. A temporary approval for three years with conditions was recommended for close monitoring of the situation. Regarding the dispute on the boundaries of the lots under application, the applicant was advised to resolve any land issues relating to the development with the concerned owner(s) of the application site.

130. Members had no question on the application.

Deliberation Session

131. In response to the Chairman's query on the implementation programme for the subject "Open Space" zone, Mr. Vincent Lai said that as advised by the Director of Leisure and Cultural Services, there was no plan to implement the public open space at present and his department had no objection to the application.

132. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.10.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the operation hours of the development was restricted from 3:00 p.m. to 8:00 p.m. daily, as proposed by the applicant, during the planning approval period;
- (b) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.4.2013;
- (c) in relation to (b) above, the provision of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.7.2013;

- (d) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (e) if any of the above planning conditions (b) or (c) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

133. The Committee also agreed to advise the applicant of the following :

- (a) a temporary approval of three years was granted for close monitoring of the situation;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long's (DLO/YL) that modification of Tenancy Permit No. MNT1830 had been granted to permit erection and maintenance of structures on Lot No. 4582 S.A within which the application site was located. MNT1830 was issued for erection of structures over Lot No. 4582 in D.D.116 (the parent Lot of 4582 S.A) for agricultural use. The total area of the structures permitted on the parent lot was 866 sq. feet. If structure were found on the lot, his office would consider the termination of the MOT as appropriate; the application site was accessible through a footpath on government land (GL) extended from Tai Kei Leng Road. His office provided no maintenance works on this GL nor guarantees right-of-way. Should the planning application be approved, the lot owners would still need to apply to his office to permit structures to be erected or regularize any irregularities on site. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such applications were approved, it would be subject to such terms and conditions, including

among others the payment of premium or fees, as might be imposed by LandsD;

- (d) to note the comments of the Director of Environmental Protection that the subject site was adjacent to a pervious application for Place of Recreation (including outdoor BBQ area) which he had previously advised that the proposed use was environmental undesirable. His advice to this application was provided without prejudice to his future position on other applications in the adjacent areas;
- (e) to note the comments of the Commissioner for Transport that the loading/unloading activities should not be carried out on Tai Kei Leng Road;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should be reminded to provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant should also be reminded to consult DLO/YL and seek consent from the relevant owners for any works to be carried outside his lot boundary;
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and if building plan would be circulated to his department via the Centralized Processing System of Buildings Department (BD), Emergency Vehicular Access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administrated by BD;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, BD that there was no record of approval by the Buildings Authority (BA)

for the structures existing at the application site and BD was not in a position to offer comments on their suitability for the use related to the application. If the existing structures were New Territories Exempted House under the Buildings Ordinance (BO) (Application to the New Territories) Ordinance (Cap 121 or the previous Cap 322), DLO/YL should be in a better position to comment on the application. If the existing structures were erected on leased land without BD's approval, they were unauthorized under BO and should not be designated for any approved use under the application. Before any new building works (including temporary buildings) were to be carried out on the application site, the prior approval and consent of the BA should be obtained, otherwise they were unauthorized buildings works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be constructed as an acceptance of any existing building works or UBW on the application site under the BO. If the proposed use under application was subject to the issue of a licence, any existing structures on the application site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (i) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that a fresh provision shop licence should be obtained from his department for the food business which involved sale of fresh, chilled or frozen pork, beef, mutton, reptiles (including live reptiles), fish (including live fish) or poultry (including live poultry). Under the current licensing

regime, the operation of food business (including fresh provision shop) should be in compliance with government lease condition, statutory plan restriction, free of unauthorized building works as well as the licensing requirements and conditions as stipulated by his department and other relevant departments. According to his record, there was no food licence application received in respect of the premises. The applicant should be advised that any food business carrying on thereat should be granted with a license issued by the DFEH. The applicant should also prevent creating environmental nuisance affecting the public; and

- (j) to liaise with the residents of Sereno Verde and nearby villagers/residents to further explain the proposed development and address their concern.

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/391 Proposed Eating Place in “Residential (Group B) 2” zone, Shops 4, 5
and 6, G/F, Tak Hing Building, Castle Peak Road - Hung Shui Kiu,
Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/391)

Presentation and Question Sessions

134. Mr. Vincent T.K. Lai, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed eating place;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in

paragraph 9 of the Paper. The Commissioner of Police (C of P) had concern about traffic impact of the proposed eating place. According to his record, the situation of illegal parking was serious on Chui Pak Road and the pedestrian areas between Tak Hing Building and Tak Cheung Building, which had caused traffic congestion along Chiu Pak Road and Hung Shui Kiu Main Street. The C of P had received over 140 complaints of illegal parking in the vicinity of the subject building since April 2012. The proposed development without parking space might worsen the situation of illegal parking at the vicinity. Other concerned government departments had no objection to or adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Regarding C of P's concern on the illegal parking in the vicinity, the site was well served by public transport facility. The Light Rail - Hung Shui Kiu Station was located about 200 m to the east of the site and there were minibuses running along Hung Shui Kiu Main Street. Given the small scale of the proposed development with only about 60 seats, it would unlikely cause any significant adverse environmental, traffic and infrastructural impacts on the locality. Other concerned government departments consulted had no adverse comments on the application.

135. Members had no question on the application.

Deliberation Session

136. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.10.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the

permission was renewed. The permission was subject to the following conditions :

- (a) no operation between 11:00 p.m. and 11:00 a.m., as proposed by the applicant, was allowed on the application premises; and
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

137. The Committee also agreed to advise the applicant of the following :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application premises;
- (b) to note the comments of the Director of Food and Environmental Hygiene that the proposed development should obtain a valid food licence by the Food and Environmental Hygiene Department and comply with the requirements/conditions stipulated by relevant departments for the operation of the food business;
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans or referral from licensing authority; and
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should not have any alteration to the existing stormwater drainage system of Tak Hing Building.

Agenda 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/395 Renewal of Planning Approval for Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years in “Village Type Development” zone, Lots 406 RP (Part), 407 (Part) and 408 (Part) in D.D. 122 and adjoining Government Land, Sheung Cheung Wai, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/395)

Presentation and Question Sessions

138. Mr. Vincent T.K. Lai, STP/TMYL, drew Members’ attention that there were typing mistakes on page 11 of the Paper. The compliance period for approval conditions (j), (k) and (m) should be revised to within 6 months from the date of commencement of the renewal planning approval to 6.5.2013. The compliance period of approval conditions (l) and (n) should be revised to within 9 months from the date of commencement of the renewal planning approval to 6.8.2013. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary public vehicle park for private car and light goods vehicle for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons as detailed in paragraph 12 of the Paper.

139. Members had no question on the application.

Deliberation Session

140. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, from 7.11.2012 to 6.11.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant was allowed to be parked on the site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to be parked on the site at any time during the planning approval period;
- (e) a notice should be posted at a prominent location of the site to remind drivers on pedestrian safety on the access road to the site at all time during the planning approval period;

- (f) no vehicle repairing, dismantling and workshop use, as proposed by the applicant, was allowed on the site during the planning approval period;
- (g) a minimum of 3.5m set back from the northern, eastern and southern boundaries to minimise the noise impacts to the nearby residential dwellings should be maintained at all time during the planning approval period;
- (h) the existing paving and fencing of the site implemented under Application No. A/YL-PS/310 should be maintained at all time during the planning approval period;
- (i) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (j) the submission of the condition record of the existing drainage facilities on the site within 6 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.5.2013;
- (k) the submission of a landscape and tree preservation proposal within 6 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Planning or of the TPB by 6.5.2013;
- (l) in relation to (k) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Planning or of the TPB by 6.8.2013;
- (m) the submission of fire service installations proposals within 6 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.5.2013;

- (n) in relation to (m) above, the provision of fire service installations proposed within 9 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.8.2013;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (p) if any of the above planning conditions (j), (k), (l), (m) or (n) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (q) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

141. The Committee also agreed to advise the applicant of the following :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the private land involved were Old Schedule Agricultural Lots under block government lease which no structures were allowed to be erected without prior approval from the Government. No approval had been given to specified structures as store room, open shed and site office. The southeastern portion of the site was affected by the project PWP No. 157 DS – Yuen Long and Kam Tin Sewerage Stage II Phase 4C, Village Sewerage at Sheung Cheung Wai. Access to the site required traversing through other private lots and/or government land (GL). His office did

not provide maintenance works for the GL nor guarantee right-of-way. The concerned lot owners and occupiers of the GL concerned still needed to apply to his office to permit structures to be erected or regularize any irregularities on site. Such applications would be considered by his department acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by his department;

- (c) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any possible environmental nuisances;
- (d) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces should be provided within the site. No vehicle was allowed to queue back to public road or reverse onto/from public road. The local track leading to the site fell outside Transport Department’s (TD) purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the access arrangement of the site from Ping Ha Road should be commented and agreed by TD. Adequate drainage measures should be provided at the site to prevent surface water running from the site to the nearby public roads/drains. HyD should not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Buildings Authority (BA) for the structures existing at the site. The

applicant's attention was drawn to the following points:

- (i) if the existing structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), they were unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works were to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO;
 - (iv) in connection with (ii) above, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and
 - (v) if the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (g) to note the comments of the Director of Fire Services (D of FS) in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant was advised to submit relevant layout plans incorporated with the proposed FSIs for D of FS's approval. In formulating FSIs proposal for the

proposed structures, the applicant was advised to make reference to the requirements that for other storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSIs to be installed should be clearly marked on the layout plan. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in the above, the applicant was required to provide justifications to D of FS for consideration;

- (h) to note the comments of the Director of Leisure and Cultural Services that the site fell within the Sheung Cheung Wai Site of Archaeological Interest. No excavation below original level should be undertaken without prior written consent from the Antiquities and Monuments Office (AMO) and the applicant should inform AMO in case of discovery of antiquities or supposed antiquities in the site;
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the following measures:
 - (i) for site with the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) prior to establishing any structure within the application site, the

applicant and/or his contractor(s) should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and

- (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicants and their contractor(s) when carrying out works in the vicinity of the electricity supply lines.

[The Chairman thanked Mr. Vincent Lai, STP/STN, for his attendance to answer Members’ enquiries. Mr. Lai left the meeting at this point.]

[Mr. H. F. Leung left the meeting at this point.]

Agenda Item 38

Section 16 Application

[Open Meeting]

A/TM-SKW/80 Temporary Shop and Services (Car Washing and Waxing Services) with Ancillary Office and Storerooms for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 183 (Part) and 184 (Part) in D.D. 385, Tai Lam Chung, Tuen Mun
(RNTPC Paper No. A/TM-SKW/80)

142. The Secretary reported that on 3.10.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments of the District Lands Officer/Tuen Mun, Lands Department and the Commissioner for Transport.

143. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its

consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 39

Section 16 Application

[Open Meeting]

A/YL-ST/425 Temporary Retail Shop to Sell Vehicle Parts and Accessories for a
Period of 3 Years in “Residential (Group D)” zone, Lot 46 (Part) in
D.D. 105, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/425)

144. The Secretary reported that on 5.10.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information on the landscape, drainage and fire services aspects.

145. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/203 Proposed School (Tutorial School) in “Residential (Group C)” zone,
Shop No. G13, G/F, Palm Springs Commercial Centre, Yuen Long
(RNTPC Paper No. A/YL-MP/203)

Presentation and Question Sessions

146. Mr. K.C. Kan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (tutorial school);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper.

147. Members had no question on the application.

Deliberation Session

148. After deliberation, the Committee decided to approve the application, on the

terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.10.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the submission and implementation of proposal on fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.

149. The Committee also agreed to advise the applicant of the following :

- (a) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that if non-exempted building works were involved, building plans of the proposed works were to be submitted for approval under the Buildings Ordinance. Formal application to relevant licensing authority was required for the proposed tutorial school; and
- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans or referral from the relevant authority.

[Ms. Janice Lai left the meeting at this point.]

Agenda Item 41

Section 16 Application

[Open Meeting]

A/YL-MP/205 Proposed House Development, Minor Relaxation of Building Height Restriction and Filling and Excavation of Land for Site Formation Only (Proposed Amendments to an Approved Scheme) in “Residential (Group D)” zone, Lots 3054 S.A RP, 3098 RP (Part), 3108 (Part), 3109 (Part), 3100 (Part), 3110, 3111, 3112, 3113, 3114, 3115 RP, 3119 RP, 3122 RP, 3123, 3124, 3126, 3131 S.A, 3131 S.B, 3131 S.C, 3131 S.D, 3131 RP, 3132, 3138, 3146, 3147 RP (Part), 3148, 3150 RP, 3156 RP, 3158 RP, 3162, 3163, 3164 S.A, 3164 RP, 3167, 3168, 3171, 3173, 3176, 3177, 3178, 3179, 3180 RP, 3181 RP, 3182 RP, 3189 RP, 3190, 3191, 3192 RP, 3193RP and 3194 RP in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/205)

150. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Mr. Ivan Fu and Ms. Janice Lai had declared interests in this item as they had current business dealings with SHK. Mr. Ivan Fu had also declared interest in this item as he had current business dealings with AECOM Asia Co Limited, Urbis Limited, TMA Planning and Design Limited and Environ Hong Kong Limited, who were the consultants for the application. Ms. Janice Lai had also declared interest in this item as she had current business dealings with AECOM Asia Co Limited and Urbis Limited, who were the consultants for the application. As Members would need to discuss and deliberate on whether the application should be deferred as requested by the Planning Department, Mr. Fu and Ms. Lai should be invited to leave the meeting temporarily during the discussion of and determination on this item. The Committee noted that Ms. Janice Lai had left the meeting.

[Mr. Ivan Fu left the meeting temporarily at this point.]

151. Mr. K.C. Kan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application - the site was the subject of a previous approved scheme for the house development under Application No. A/YL-MP/193, which was approved by the Committee on 24.2.2012. Comparing with the previous approved scheme, the current scheme involved the following changes:
- (i) an increase in site area by 3,967m² and revision of site boundary. This was due to an inclusion of two additional strips of slopes/embankments of government land zoned “Residential (Group D)” sandwiched between Kam Pok Road and the north-western boundary of the approved scheme for green area of the development;
 - (ii) an increase in domestic gross floor area (GFA) by 793.4m² corresponding to the increase in site area and a plot ratio of 0.2 for the site;
 - (iii) the noise barrier along the north-western site boundary had been shifted towards Kam Pok Road and the height of the noise barrier had been lowered from 4m to about 1.5m; and
 - (iv) an increase in average unit size and change in landscape design;
- (b) proposed house development, minor relaxation of building height restriction from 2 storeys and 6m to 3 storeys and 10.8m [2 storeys (6.6m) above ground plus 1 basement car park (4.2m)], and filling and excavation of land for site formation only at the application site;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, 63 public comments were received, including 61 supporting comments and 2 objecting comments which were summarised below :

Objecting Comments

- (i) a Yuen Long District Councillor objected to the application mainly on the grounds of excessive scale of the development and traffic impact. He also considered that the long-term problems, including safety on expanding the roads, pedestrian walkways, cycling paths, sewage treatment and environmental hygiene, were not clear. He considered that no prior consultation had been carried out to collect the opinions of local villagers on the proposed development and the villagers found the application unacceptable;
- (ii) a private individual supported the application but strongly objected to the height and wall-like appearance of the proposed noise barrier on the eastern and southern side of the site mainly on the grounds of visual impact on the nearby dwellings and possible hazards to birds. He considered that the noise barrier was unnecessary as there was no noise from Ha Chuk Yuen Road;

Supporting Comments

- (iii) 60 private individuals and one company expressed support to the application because the proposed development provided an opportunity to improve the local environment by resolving flooding problem and improving traffic facilities for the benefits of the neighbouring residents. It would also draw in commercial activities, create jobs, provide an alternative housing option, increase the supply residential units, better utilize abandoned agricultural land, lower the possibility of reclamation, increase government tax income, improve hygiene, avoid illegal dumping of garbage and construction waste in the neighbourhood, and avoid the area to become a mosquito and insects breeding ground. Relaxation of building height would allow a more spatially comfortable living environment and better utilization of land resources. As the proposed development was low-density in nature, minor relaxation of building height would not have significant

adverse impact.

- (e) the Planning Department (PlanD)'s views – the Planning Department recommended to defer a decision on the application based on the following assessments as detailed in paragraph 12 of the Paper:
 - (i) the inclusion of the slopes/embankments along Kam Pok Road into the scheme would allow shifting of the noise barrier towards Kam Pok Road so that the height of the noise barrier at the north-western boundary of the site could be reduced from 4m to 1.5m. However, there was no improvement to the proposed 6.6m high noise barrier along the eastern and southern boundary of the site;
 - (ii) in considering the previously approved scheme, the Committee expressed concern on the extent of the 6.6m high noise barriers along the eastern and southern boundary of the site. Whilst the applicant argued that since the development was a designated project, alternative noise mitigation measures would be explored in the environmental impact assessment (EIA) to be submitted under the Environmental Impact Assessment Ordinance (EIAO). However, it was considered that such issue should best be tackled at the planning stage, and the applicant had not taken the opportunity of the expanded site area to explore alternative measures such as building disposition and layout to minimize the extent of the 6.6m high noise barrier;
 - (iii) the proposed 6.6m high noise barrier spanning about 620m in length had imposed adverse visual impact on the surrounding area. According to the traffic noise impact assessment submitted by the applicant, the mitigated traffic noise levels at the representative noise sensitive receivers were well below the recommended level of 70dB(A) under the Hong Kong Planning Standard and Guidelines (HKPSG). The applicant had not demonstrated alternative measures such as alternative building layout and/or disposition, with a view to minimizing the extent of the noise barrier and to minimising the

adverse visual impacts induced by the noise barrier; and

- (iv) as such, it was recommended to defer a decision on the application for two months and require the applicant to submit further information to address the visual impact of the noise barrier and feasibility of reducing the height of the noise barrier along the eastern and southern boundary of the application site.

152. In response to a Member's query, the Chairman replied that environmental permit (EP) was not a pre-requisite for submission of planning application. Another Member asked whether the proposed development under application could be approved subject to a condition that a EP was granted for the development under the EIAO. The Secretary advised that the EIAO and Town Planning Ordinance were two different ordinances which had their statutory functions and requirements. It would not be appropriate to approve the application subject to obtaining a EP under the EIAO.

153. In response to a Member's query, Mr. K. C. Kan referred to the aerial photo on Plan A-3 of the Paper and advised that the site was largely vacant and covered with grass. There was no evidence of land filling and it was not a fish pond as shown on the plan.

154. A Member asked about the source of noise that the proposed noise barrier along the eastern and southern boundary of the application site was intended to shielded off. Mr. K. C. Kan advised that the noise barrier was mainly to shield off the traffic noise from San Tin Highway and Castle Peak Road. Mr. H. M. Wong said that apart from the traffic noise, the proposed noise barrier was also provided to mitigate the noise generated by the rural industries to the east of the application site. Mr. H. M. Wong also explained that according to the HKPSG, the traffic noise should not exceed 70 dB(A) whereas the industrial noise should not exceed 55 dB(A) and 45 dB(A) in the daytime and nighttime respectively.

Deliberation

155. The Chairman advised that since the development was a designated project, an EIA would need to be submitted and approved under the EIAO. When EIA was submitted, alternative noise mitigation measures could be further explored. In this regard, the

Secretary said that alternative noise mitigation measures such as adjusting the layout and disposition of buildings for the proposed development to minimise the extent of the 6.6m high noise barrier should be tackled at the planning stage, and not at the stage of submission of EIA under the EIAO. While the applicant had applied to incorporate an additional area of about 4000m² of government land into the site boundary under the current application, the applicant had not taken the opportunity of an enlarged site area to explore alternative means to minimize the extent of the 6.6 m high noise barrier.

156. In response to the Chairman's enquiry, Mr. H. M. Wong had no objection to defer the decision on the application and request the applicant to submit further information to improve the visual appearance of the noise barrier. Noting that the applicant had included a 6.6m high noise barrier of about 620m long along the eastern and southern boundary of the site, Mr. H. M. Wong considered that there might be scope to reduce the height of some sections of the noise barrier while maintaining the overall performance in the noise impact.

157. In response to the Chairman's query on the location of the rural industries, Mr. H. M. Wong advised that while some of them were located in the midst of Chuk Yuen Tsuen to the east of the site, others were located further away from the village. According to the applicant's assessment, the noise level of those rural industries had exceeded that allowed under the HKPSG. He further advised that as the proposed development was a designated project under the EIAO, the applicant had to conduct an EIA to assess the noise and visual impacts of the proposed development and proposed measures to mitigate such impacts. He noted that the applicant had not submitted the EIA for the proposed development.

158. The Chairman said that in considering the proposed scheme on the subject site under application No. A/YL-MP/193, the Committee had expressed concerns on the extent of the 6.6m high noise barrier along the eastern and southern boundary of the site. However, the Committee had decided to approve the application with conditions and advised the applicant to consider alternative noise mitigation measures such as building disposition and layout, or building design with a view to minimizing the extent of noise barrier via an advisory clause. When comparing the proposed scheme under application with the previously approved scheme, there were no major changes in the development parameters. The proposed amendments to the previous scheme under application mainly involved the incorporation of two strips of government land into the site boundary and the corresponding

increase in total GFA and average house size. It was doubtful if there were sufficient grounds to require the applicant to reduce the height and extent of the 6.6m high noise barrier in the current application. The Chairman added that the planning history of the site should not be ignored.

159. A Member opined that the 6.6m high noise barrier along the eastern and southern boundary of the application site with a length of 620 m would have significant visual impact on the area, in particular the nearby village houses. Another Member said that given the significant adverse visual impact of the proposed noise barriers, it would not be appropriate to approve the planning application and requested the applicant to tackle the issue under the EIAO.

160. A Member noted that there were trees along Kam Pok Road within the additional strips of land under the current application and asked who would be responsible for the maintenance of the trees. Mr. K.C. Kan replied that the land along Kam Pok Road was currently government land and the trees thereon were maintained by the Government. Ms. Anita Lam said that the current application involved the incorporation of government land into the site boundary. If planning approval was obtained, the lot owner had to apply to Lands Department for a land exchange.

161. The Chairman said that the noise barrier of 6.6m high was approved previously under Application No. A/YL-MP/193 and one of the approval conditions was to require the minimization of the visual impact created by the noise barrier. Details could be taken up by the applicant under EIAO. The Secretary said that the relevant approval condition in Application No. A/YL-MP/193 was to require for the design and provision of mitigation measures to alleviate the visual impact of the noise barriers. For the subject application, a planning condition was recommended in paragraph 13.2(f) of the Paper requiring the reduction of the height of the noise barrier along the eastern and southern boundary of the application site.

162. The Chairman opined that although two strips of land would be included in the site boundary, the applicant might have limited scope to revise the layout of the proposed development and the applicant had already reduced the height of noise barrier to the northeast of the site. He suggested Members to consider the application taking into account that the

6.6m high noise barrier had been approved previously, the applicant could be requested to reduce the height of the noise barrier through an approval condition and an EIA for the proposed development had to be submitted under the EIAO.

163. The Secretary explained that with the inclusion of two strips of government land along Kam Pok Road into the boundary of the site, the site area had been enlarged by about 4000m² with a corresponding increase in GFA of about 793m². That would constitute a fresh application and the Committee could decide on the planning application taking account of the prevailing circumstances, including whether the 6.6m high noise barrier was appropriate for the proposed development

164. Members were generally of the view that the 6.6m high noise barrier with a length of 620 m would have adverse visual impact on the surroundings. Noting members view and the fact that the Committee had expressed similar concern in considering the previous application No. A/YL-MP/193, a Member opined that the applicant should be requested to submit further information to address Members' concern on the visual impact of the noise barrier and to explore the feasibility of reducing the height and extent of the noise barrier along the eastern and southern boundary of the application site, before the Committee would make a decision on the application. Other Members concurred.

165. After further deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee agreed to defer a decision on the application for two months and require the applicant to submit further information to address Members' concerns on the visual impact of the noise barrier and to explore the feasibility of reducing the height and extent of the noise barrier along the eastern and southern boundary of the application site.

[The Chairman thanked Mr. K. C. Kan, STP/TMYL, for his attendance to answer Members' enquiries. Mr. Kan left the meeting at this point.]

[Mr. Ivan Fu returned to the meeting at this point.]

Agenda Item 42

Section 16 Application

[Open Meeting]

A/YL-HT/804 Temporary Open Storage of Recyclable Materials (Plastic, Paper and Metal) with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Short Term Tenancy No. 1869 (Part), Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/804A)

166. The Secretary reported that on 4.10.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare a revised fire service installations proposal.

167. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 43

Section 16 Application

[Open Meeting]

A/YL-HT/806 Temporary Recycling of Used Electrical Appliances with Storage and Ancillary Workshop and Site Office for a Period of 3 Years in “Undetermined” zone, Short Term Tenancy No. 1869 (Part), Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/806A)

168. The Secretary reported that on 4.10.2012, the applicant’s representative requested

for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare a revised fire service installations proposal.

169. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 44

Section 16 Application

[Open Meeting]

A/YL-HT/810 Temporary Open Storage of Containers and Cargo Handling for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 2187 RP (Part), 2380 RP (Part), 2381 RP (Part), 2382 (Part), 2383 RP (Part), 2384 S.B (Part), 2385 RP (Part), 2412 RP (Part), 2415 RP, 2416 (Part), 2417, 2418 RP (Part) and 2419 RP (Part) in D.D.129 and Adjoining Government Land in Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/810)

170. The Secretary reported that on 5.10.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to revise the run-in/out proposal.

171. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed

for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 45

Section 16 Application

[Open Meeting]

A/YL-HT/813 Temporary Cargo Handling and Forwarding Facility for a Period of 3 Years in “Open Storage” zone, Lots 632 (Part), 633 (Part), 634, 635, 636 S.B RP (Part) and 637 RP (Part) in D.D. 124; 1996 RP (Part), 1997 (Part), 1998 RP (Part), 1999, 2000, 2001 (Part), 2003, 2004, 2005, 2006, 2007 RP (Part), 2008 RP (Part) and 2009 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/813)

172. The Secretary reported that on 12.10.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to provide information on drainage works and landscaping proposals for the site.

173. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 46

Section 16 Application

[Open Meeting]

A/YL-LFS/239

Temporary Open Storage of Metal Ware, Construction Machinery and Material, Recyclable Materials (including Metal and Plastic) with Ancillary Workshop, Trailer Parking and Ancillary Canteen for a Period of 3 Years in “Residential (Group E)” zone, Lots 2176 (Part), 2177 (Part), 2178 (Part), 2179 (Part), 2180 (Part), 2181 RP (Part), 2191 (Part), 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199 (Part), 2200, 2201 (Part), 2203, 2204 S.A (Part), 2225 (Part), 2228 S.A (Part), 2228 S.B (Part), 2334 (Part), 2336 S.A (Part), 2336 S.B (Part), 2337 (Part), 2338, 2339 S.A (Part), 2340, 2341 (Part), 2342, 2343, 2344 S.A (Part), 2344 S.B (Part), 2344 S.C, 2349 (Part), 2350, 2351 (Part), 2352 (Part), 2353 (Part), 2364 (Part), 2365 (Part), 2366 S.A (Part), 2366 RP (Part), 2367, 2368, 2369, 2370, 2371, 2373 S.A, 2373 RP (Part), 2374, 2375, 2376 S.A, 2376 S.B (Part), 2376 S.C (Part), 2377, 2378 RP (Part) and 3450 (Part) in D.D. 129, Lau Fau Shan Road, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/239)

174. The Secretary reported that on 5.10.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments of the Director of Fire Services and the Chief Town Planner/Urban Design and Landscape of the Planning Department.

175. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 47

Section 16 Application

[Open Meeting]

A/YL-LFS/242 Temporary Storage of Recycling Materials (including Household Appliances and Toys) with Ancillary Workshop and Site Offices for a Period of 3 Years in “Recreation” zone, Lot 3386 (Part) in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/242)

176. The Secretary reported that on 16.10.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments from relevant government departments.

177. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Dr. W. K. Yau left the meeting at this point.]

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/392 Temporary Open Storage of Precast Concrete Unit for a Period of 3 Years in “Agriculture” zone, Lot 1207 (Part) in D.D. 109, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/392)

Presentation and Question Sessions

178. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of precast concrete unit for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper which were highlighted below:
 - (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the planning application and advised that the site fell within an area zoned “Agriculture” (“AGR”) to the north of Kam Tin River. Based on the aerial photo taken on 19.1.2011, the site was partly vegetated and partly paved. The surrounding areas were predominantly rural in character with cultivated and fallow agricultural land, village houses and scattered woodland. According to the site photo taken on 27.1.2012, the site was paved with no vegetation. The application sought approval to regularize the development, which was incompatible with the surrounding area. Approval of the application would set an undesirable precedent for other similar applications in the area resulting in urban sprawl and further degradation of landscape quality;
 - (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were active farming activities in the vicinity of the site, and the site had high potential for agricultural rehabilitation; and
 - (iii) the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures located to the immediate east (about 2m away) and in the vicinity of

the site, and environmental nuisance was expected. There was no environmental complaint received in the past three years.

- (d) during the first three weeks of the statutory publication period, two public comments from Kadoorie Farm and Botanic Garden Corporation and a local resident were received. The commenters objected to the application as the development was not in line with the planning intention of the “AGR” zone. The agricultural land should be preserved to safeguard the food supply for Hong Kong. Besides, the development would cause adverse impacts on the environment (water and air quality as well as noise nuisance); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper and highlighted below:
 - (i) the development was not in line with the planning intention of the “AGR” zone which was to retain and safeguard good quality agricultural land for agricultural purpose. The DAFC did not support the application as there were active farming activities in the vicinity and the site had high potential for agricultural rehabilitation. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis;
 - (ii) the current application was a “Destroy First, Build Later” case and prosecution action was being undertaken. The application should be assessed based on the expected state of the site upon compliance with the Reinstatement Notice, whereby the site would be covered by grass. The open storage use would not be compatible with the surrounding land uses which were rural in character predominated by agricultural land and scattered residential structures/dwellings;
 - (iii) the application did not comply with the TPB PG-No. 13E in that there

was no previous approval for open storage use granted at the site and further proliferation of such use was not acceptable. The previous application (No. A/YL-KTN/375) for temporary open storage of spare materials for maintenance and beautification of private housing and land and a similar application (No. A/YL-KTN/386) for temporary open storage of vehicles with ancillary office were rejected recently and there was no major change in planning circumstances that warranted a departure from the Board's previous decisions;

- (iv) adverse departmental comments and local objections against the application were received. In this regard, DEP did not support the application as there were sensitive receivers, i.e. residential structures located to the immediate east (about 2m away) and in the vicinity of the site, and environmental nuisance was expected. From the landscape point of view, the current application was also not supported as the application was submitted to regularize the development which was incompatible with the surrounding landscape and would result in further degradation of the landscape quality. Besides, no submission was made to demonstrate that the development would not generate adverse drainage impact. In this regard, Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had requested the applicant to submit a drainage proposal. The applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and

- (v) although similar applications within the same "AGR" were approved with conditions by the Committee, they were located at the eastern portion of the zone about 700m to 1km away from the site. The approval of the subject application, however, would set an undesirable precedent for similar applications within this part of the "AGR" zone which would remain relatively rural in character. The cumulative effect of approving such applications would result in general degradation of the rural environment of the area.

179. Members had no question on the application.

Deliberation Session

180. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board PG-No. 13E in that the development was not compatible with the surrounding land uses which were predominantly rural in character; there was no previous approval granted at the site and there were adverse comments from the relevant government departments and local objections against the application;
- (c) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 49

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/581 Temporary Public Car Park (Private Cars) and Open Storage of Goods Vehicles below 5.5 Tonnes and Private Cars (Including Left-hand and Right-hand Drive Cars) for Sale for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 509 (Part), 510, 514 (Part) and 515 RP (Part) in D.D. 106, Kam Po Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/581)

Presentation and Question Sessions

181. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public car park (private cars) and open storage of goods vehicles below 5.5 tonnes and private cars (including left-hand and right-hand drive cars) for sale for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. existing residential structures / village houses located to the immediate north (about 1m away) and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 12 of the Paper and highlighted below:
- (i) the development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone, which was for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape such as passive recreation uses and a selected range of rural uses might be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities. The development was also not compatible with the rural character of the site and its surrounding areas with residential dwellings and agricultural activities. There were some residential dwellings/structures located to the immediate north and in the vicinity of the site with the nearest one about 1m away. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
 - (ii) the application did not comply with Town Planning Board Guidelines No. 13E (TPB PG-No.13E) Application for Open Storage and Port Back-up Uses in that there was no previous approval for open storage use granted at the site and that existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable. Moreover, there were adverse departmental comments on the application. In this regard, DEP did not support the application as there were sensitive receivers, i.e. residential structures located to the immediate north and in the vicinity of the site, and environmental nuisance was expected. Besides, no information on the parking arrangement within the site had been provided. The Commissioner for Transport had requested the applicant to submit a parking layout plan and to ensure that sufficient space/lane width should be provided for vehicle manoeuvring. The applicant failed to demonstrate that the development would not generate

adverse environmental and traffic impacts on the surrounding areas;

- (iii) the site was subject to previous approved planning applications No. A/YL-KTS/465 and 540 for temporary public vehicle park use. However, the last planning permission (No. A/YL-KTS/540) was subsequently revoked due to non-compliance with approval conditions related to prohibition of open storage/storage use. Hence, the current application did not warrant sympathetic consideration; and
- (iv) similar approved applications were located along the eastern boundary of the “OU(RU)” zone or along Kam Sheung Road. They were approved mainly based on the considerations that the development was not incompatible with the surrounding areas at that area predominated by open storage/workshop-related uses and they were all subject to previous approvals. However, the current application did not warrant the same considerations as the site fronted onto Kam Po Road and was located in the western part of the “OU(RU)” zone, which was close to Kam Tin River and with rural character. Approval of the application would set an undesirable precedent for similar uses to proliferate in this part of the “OU(RU)” zone. The cumulative effect of approving such application would result in a general degradation of the rural character of the area.

182. Members had no question on the application.

Deliberation Session

183. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which was for the preservation of the character of the rural area. Uses or developments

compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, might be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the application did not comply with Town Planning Board PG-No.13E in that the development was not compatible with the rural character of the site and its surrounding areas with agricultural activities and residential dwellings, there was no previous planning approval granted at the site and there was adverse comment from the relevant department;
- (c) the applicant failed to demonstrate that the development would not generate adverse environmental and traffic impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within this part of the “OU(RU)” zone. The cumulative effect of approving such application would result in a general degradation of the rural character of the area.

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/582 Proposed Temporary Shop and Services (Real Estate Agency) for a
Period of 3 Years in “Village Type Development” zone, Lot 291 (Part)
in D.D. 109, Kam Tin Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/582)

Presentation and Question Sessions

184. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, three public comments from the managers and villager of Kat Hing Wai were received. The commenters expressed concern that the site had not been rented to the applicant and the applicant had not obtained the consent from the managers of Kat Hing Wai on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons as detailed in paragraph 11 of the Paper. Regarding the public comments, the applicant would be advised to resolve any land issues relating to the development with the concerned owners of the application site.

185. Members had no question on the application.

Deliberation Session

186. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.10.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (c) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) the submission of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.4.2013;
- (e) in relation to (d) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.7.2013;
- (f) the submission of a record of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.4.2013;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.4.2013;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.7.2013;
- (i) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further

notice; and

- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

187. The Committee also agreed to advise the applicant of the following :

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural Lot held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the government. No approval had been given for the specified structure as shelter and container offices. The site was accessible through an informal track on government land (GL) extended from Kam Sheung Road. His office provided no maintenance works for this track nor guarantee right-of-way. The lot owner would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (c) to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (d) to note the comments of the Commissioner for Transport that the site was connected to the public road network via a section of a local access road

which was not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that there were some existing trees and some dead trees along the application site boundary from the previous application. The dead trees should be removed and replaced by planting new tree;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works were to be carried out on the site, the prior approval and consent of the Buildings Authority (BA) should be obtained. Otherwise, they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. It appeared that the site did not abut on a specified street of not less than 4.5m wide. In such respect, the development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The site should provide with means of obtaining access thereto from a street under Regulations 5 and emergency access should be provided under the B(P)R 41D. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The

granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. The proposed structures might be considered as temporary buildings and were subject to control under the B(P)R Part VII;

- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. For open storage, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications to his department for consideration; and

- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD. Prior to establishing any structure within the site, the applicant and/or his contractors should also liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near

Electricity Supplier Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 51

Section 16 Application

[Open Meeting]

A/YL-TYST/612 Temporary Warehouse for Storage of Provisions and Ancillary Logistics Centre for a Period of 3 Years in "Industrial (Group D)" zone, Lots 1092 S.A, 1092 S.B ss.7 RP (Part), 1819 (Part), 2008 S.H RP (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/612)

188. The Secretary reported that on 10.10.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments from the Transport Department on the application.

189. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/614 Proposed Utility Installation for Private Project (Electricity Package Sub-station) and Excavation of Land in “Village Type Development” zone, Lots 373 (Part) and 327 S.M (Part) in D.D. 121 Tai Tao Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-TYST/614)

Presentation and Question Sessions

190. Ms. Bonita K.K. Ho, STP/TMYL, drew Members attention that the Director of Electrical and Mechanical Services had provided further comments on the application. His comments were mainly related to an existing LPG filling station at Lot 2137 in D.D. 121, 10 Castle Peak Road, Fui Sha Wai which was in the vicinity of the site. DEMS requested the applicant to conduct a risk assessment to ascertain that the risk level posed by the existing LPG filling station due to the proposed development was acceptable. The replacement pages of page 7, 9 and 10 of the Paper were tabled at the meeting for Members information. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity package sub-station) and excavation of land;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper.

191. Members had no question on the application.

Deliberation Session

192. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.10.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission of a risk assessment as to whether any increase in risk level posed by the existing LPG filling station due to the proposed development was acceptable in accordance with the Government Risk Guidelines and implementation of mitigation measures identified therein to the satisfaction of the Director of Electrical and Mechanical Services or of the TPB.

193. The Committee also agreed to advise the applicant of the following :

- (a) to note the comments of the District Lands Officer/Yuen Long that no structure was allowed to be erected without prior approval from the Government and no approval had been given for the specified structure as substation for China Light and Power Company Limited's (CLP)

transformer. Access to the site required traversing through private lot and/or government land. His office provided no maintenance work for the government land involved and did not guarantee right-of-way. Should planning approval be given to the application, the concerned lot owners would need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. Such applications would be considered by his department acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by his department;

- (b) to note the comments of the Commissioner for Transport that the proposed vehicular access leading to the site fell outside Transport Department's (TD) purview. The management and maintenance responsibilities of this vehicular access should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the access arrangement to the site from Castle Peak Road – Ping Shan should be commented and agreed by TD. His Department should not be responsible for the maintenance of any access connecting the site and Castle Peak Road – Ping Shan. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that proper landscape treatment should be provided to alleviate any visual impact of the proposed electricity package substation on the surrounding areas. Landscape planting should be provided along the perimeter of the site to enhance the screening and greening effect. Existing trees on site should be preserved in-situ and protected from damage during installation of the utility;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage

Services Department that the proposed development should neither obstruct overland flow nor adversely affect any existing watercourse, village drains or ditches, etc.;

- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the site should be provided with means of obtaining access thereto from a street under the Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access should be provided under the B(P)R 41D. The site did not seem to abut on a specified street having a width not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at building plan submission stage. Formal submission under the Buildings Ordinance was required for any proposed new works, including the substation structure. Detailed checking of plans would be carried out upon formal submission of building plans;
- (h) to note the comments of the Director of Electrical and Mechanical Services that the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. For the design and operation of electricity package substation, CLP Power had to comply with the Electricity Ordinance and relevant statutory requirements. As the electricity package substation was to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substations as far as possible. There was an existing LPG filling station at Lot 2137 in D.D. 121, 10 Castle Peak Road, Fui Sha Wai which was in the vicinity of the site. The applicant should also observe regulation 23A of the Gas Safety (Gas Supply) Regulations (Cap. 51B) with regard to works in the vicinity of gas pipes;

and

- (i) to note the comments of the Director of Health that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities, would not pose any significant adverse effects to workers and the public. As such, it was important for the project proponent to ensure that the installation complied with the relevant ICNIRP guidelines or other established international standards. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities.

[The Chairman thanked Ms. Bonita Ho, STP/TMYL, for her attendance to answer Members' enquires. Ms. Ho left the meeting at this point.]

Agenda Item 53

Any Other Business

194. There being no other business, the meeting closed at 6:20 p.m..